ZONING MEMBERS PRESENT:

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Jim Mazzocco, Zoning Examiner
John Beall, Planning & Development Services
Bambi Flores, City Recording Clerk

ZONING EXAMINER: Okay. So I'm moving on to the next case, the last case of the evening. And that is <u>Case: Special</u>

<u>Exception 16-21 Sister Jose-7th Avenue</u>. So first, I'm gonna ask for a Staff report.

MR. BEALL: This is a request by Jean Fedigan of Sister Jose's Women's Center for approval of a residential care service, specifically a shelter care facility for women as a special exception land use in the HC-1 zone.

The special exception site is located at the northeast corner of 7th Avenue and 4th Street. The shelter care facility of this type is allowed in the HC-1 zone subject to the Unified Development Code, but requires approval through a Zoning Examiner's special exception procedure in accordance with the UDC because the site is not located at least 500 feet from residentially zoned property.

Land use policy direction for this area is provided by Plan Tucson, the University Area Plan and the West University Neighborhood Plan. University Area Plan provides a neighborhood conservation goal to preserve and enhance the historic character and residential quality of life in the University Area Neighborhood. The West University Neighborhood contains goals to

preserve and enhance the residential character of West University Neighborhood.

Policies include protecting the residential character of established neighborhoods, supporting the continued presence of organizations offering community service and recreational facilities, improving the appearance and quality of the landscaping within the West University Neighborhood consistent with the area's historic character.

The Applicant proposes to use the existing structures at the northeast corner of 7th Avenue and 4th Street as a women's shelter care facility. No changes are proposed to the outside of the structures. The proposed use of the shelter care facility, Staff recommends the Applicant provide an operational management plan for the shelter care use.

The OMP should address such issues as daily operations and objectives of the shelter, outdoor lighting, hours of operation, both summer and winter. Access to facility, proposed signage, proposed on-site or off-site security, monitoring, as well as providing a 24-hour contact for designated neighborhood representatives.

The proposed women's shelter facility is in compliance with the criteria for a shelter care use. The special exception request is consistent with the policies and intent of the Plan Tucson, University Area Plan, and West University Neighborhood

Plan. And considering the approval of the request is appropriate, subject to attached Preliminary Conditions.

As of to date, there have - Staff has received 594 approvals, and 97 protests. Within the 300-foot notification area, there are 32 protests, and three approvals. We also have received 18 letters of support from different community organizations.

ZONING EXAMINER: Okay. John, I have a question for you. Why is this case in front of a Zoning Examiner as a special exception in that the C-1 zone allows shelter care, unlimited shelter care as a permitted use?

MR. BEALL: Well, the C-1 zone, while it does provide that this use is allowed, with unlimited number of residents, it does require a special exception procedure, given some development requirements. And the shelter care use needs to be located just outside of, let me see this. Basically, this is located within 500 feet of the property line to an R-3, and that's why it's requiring it.

ZONING EXAMINER: Wait. This is located within 20 feet.

MR. BEALL: Wait, wait. Yeah, 20 feet.

ZONING EXAMINER: Twenty feet, correct?

MR. BEALL: Correct. Twenty feet.

ZONING EXAMINER: And the rule is, if I understand,

it's C-1, but you have to be 500 feet from R-3 or a more restrictive residential zone such as R-2, R-1, RX-1, SR.

MR. BEALL: Correct. And the subject again is 20 feet.

ZONING EXAMINER: Right. So they're not 500 feet, thus being a permitted use. They're 20 feet, thus requiring them to be a special exception. Okay.

Okay. There's another issue here having to do with the spacing from the shelter care. The shelter care must be at least 1200 feet from another shelter care. Is, in your estimation, does this meet that spacing requirement?

MR BEALL: Yes, it does. We received some - the Applicant has provided some documentation into that effect. Staff has also received some inquiries regarding properties around the area that might be considered other rehabilitation service, or shelter care uses.

Staff researched those and followed up with the Zoning Administrator who made a determination that the Applicant is — there are no other rehabilitation service or shelter cares within that 1200 feet.

ZONING EXAMINER: Okay. And the Zoning Administrator, that is the official interpreter of the zo- -- for the City Zoning Code, is that correct?

MR. BEALL: Yes, that is correct.

ZONING EXAMINER: And, and in this case, she made that

determination that this proposed use would meet the 1200-foot spacing requirement -

MR. BEALL: Yes.

ZONING EXAMINER: - from another shelter care?

MR. BEALL: Yes, that is correct.

ZONING EXAMINER: Okay. Or a rehabilitation service, which is very similar to a shelter care, and they both have lodging and serve meals.

MR. BEALL: Correct.

MR. JUNEMANN: Good evening, Mr. Mazzocco. My name is Rory Junemann. I'm with Lazarus, Silvyn and Bangs, 4733 East Camp Lowell in Tucson. We have been assisting Sister Jose's Women Center with this, this special exception request for the last few weeks. We're doing so on a volunteer basis. We really, we really respect the, the, the work that they're doing in town, and that's why, that's why we're here.

I'd like to introduce some of the Sister Jose leadership who's joined us. Jean Fedigan, who's the Executive Director. She's gonna be speaking here in a minute. Monsignor Tom Kahalene (ph.) is here, he's a Board Member, Chairman of the Board. We also have other Board Members, Carol Tierney (ph.), Charlotte Spears, Kathy Dan (ph.), and Jean Heckler (ph.), who've joined us tonight.

I'd like to thank Staff for all the help that they have provided in answering our questions, and doing a very good job on the Staff report. I'd also like to thank all of the supporters that are here. And I'd also like to thank the members of the neighborhood who are here in opposition. I look forward to a very civil discussion about this special exception tonight.

Now Staff mentioned we are here to request a special exception because while the use is permitted in HC-1 zone, it is within 500 feet of an R-3 zone, therefore, requiring your approval. Now this approval is appropriate because Sister Jose shelter will not adversely impact the surrounding neighborhood.

This is because the Center places great importance on being a good neighbor. And I'll go into that a little bit more in a few minutes. First, I would like Jean to come up and take a few minutes to talk about her organization and the good work that they do for the City.

MS. FEDIGAN: Good evening. I am Jean Fedigan. I reside at 459 North Brook Park Place here in Tucson. I am the Executive Director for the Sister Jose Women's Center.

I founded the Center as an emergency night shelter seven years ago because we discovered there was no night shelter solely for women. We began our services in an Assembly of God Church located at 10th and 19th, south of downtown with female volunteers from Our Mother of Sorrows Parish.

During that time, we began to understand the need to have a safe environment for the women to be able to have a few hours during the day of dignity and respect, a place to take a shower, to have a bite to eat, wash a load of laundry. A place where they could begin to get to know one another and form a community.

In the fall of 2012, we formed a charitable, non-profit organization and moved into our current location at 18 West 18th Street. It is approximately 750 square feet, and consists of three rooms. We have two bathrooms, a shower and two laundry facilities - machines.

We're staffed with 50 female volunteers and two parttime employees. We are privately funded. Our volunteers come from all walks of life, from all communities of faith. We have interns and students from the U of A, and ASU to help us.

Because we work with a vulnerable population, all volunteers must go through a compliance program with the Diocese of Tucson. They must be fingerprinted with a background check and go through compliance training.

We serve adult women in our program from ages 18 through end of life. The oldest we have served has been 82. The average age is mid-40's to mid-50's, and we always have several that are older than that.

We have two programs. Our day program is our main

year-round program, and is intended to provide a safe environment for women to have a few hours in which they can eat, be part of a community and learn about resources. They can, again, take a shower, do a load of laundry, or rest.

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We do partner with Caridad (ph.), which is an arm of the Community Food Bank to serve sandwiches made by Caridad and delivered to us. We receive approximately 45 sandwiches for the day for the guests. We serve coffee, water, juice, cold cereal.

In the winter program, Caridad also delivers a hot meal for 12 guests for the evening meal. We do not run a soup kitchen, and we do intend to run a soup kitchen in our new property.

Our day program currently runs 9:00 to 3:00 P.M. because we just ended our winter program. So next week, starting in April, we'll extend those hours from 9:00 to 5:00, and will continue to do that through the heat of the summer and into late fall. The reason we close early during the winter program is to allow us to clean restrooms, prepare the house for the night.

Currently, we serve an average of 40 to 50 women per day through - Monday through Saturday. That is a total number for the day. We have agreed to a total number of 65 guests for the day in the new facility, and will comply with that condition. A guest may come in and receive services, and then leave to go to other appointments. Once they have left, they're not to allowed

to return to the program that day without special permission.

Our guests know the rules and are compliant. If they're not, they're asked to leave and not return until they're able to comply. They consider us home and family, and govern themselves accordingly.

I've included a copy of our code of conduct for our guests and for our volunteers in our Operational Management Plan. I believe you have a draft of that. If not, I'll be happy to provide one.

Our winter night program is a temporary shelter that runs during the winter nights from November through March. It is not a permanent shelter, and we set up cots for the women to come in out of the cold winter nights, eat a community meal, and spend the night out of the weather.

Currently, because of the size of our property, we serve 11 women per night. That's why the new location is ideal. It is sized appropriately for serving our guests, gives us offices and storage space which we don't have now, and allow us to do some training and have meeting rooms. It's a secure site. It's a good location and set up for this use.

You will hear that in an article, I said that we would have year-round shelter and a thrift store. We were looking at a property on 29th and 6th in the City of South Tucson. And after doing some due diligence, recognized that we wouldn't be able to

do that property.

We determined when we - that the property that we're wishing to purchase now will be used for our two programs, and under the conditions the City is asking, we have agreed to.

We're a community-based facility that has a non-institutional approach which allows women dignity and respect in a safe environment.

You have to have a safe environment to begin to feel safe enough to begin to address those issues that keep them in their current situation. Women are homeless for a variety of reasons, and I think you're gonna hear some of that tonight.

Once they become homeless, the focus changes to a survival mode. Where can I find a restroom? Where can I take a shower, or get something to eat to survive another day? Where can I go to be safe for a few hours without fear of being raped or victimized?

The focus of this program is a warm, casual respectful environment, to engage the homeless into services. It is our will and our focus to empower the women to rely on self-help and help them to engage in the process that works best for them.

So many times, we do things for others rather than allow them to, to help themselves. Our goal is to create a community and help them understand how important they are to the community, and how they are empowered to change their lives.

This location helps us achieve that goal. It's a long process and doesn't occur overnight. The abuse, trauma, and violence took years to create an effect on women, and it will take that time for them to strengthen the view of themselves.

In our current location, we are within one block of Piodecimo and the Catholic Community Services Pre-School and Pre-Kinder. There have been no issues or concerns with our women at the school. In fact the pre-school was unaware of our existence.

We've met with the Neighborhood Association Board, and have the required association meeting. I've met with two people who are in opposition to our being in the neighborhood and walk the immediate neighborhood.

We've met twice with Mexicayotl School and sent a letter, which you have a copy of, to reach out to the school asking to work in partnership with the school. Sent a letter to the neighborhood to answer concerns. I've listed my phone number and have been contacted by members of the association.

If approved, we'll continue our efforts to do this type of outreach to all of our neighbors. This is an ideal location for our use. And we are committed to becoming a good neighbor with West University residents or businesses. Thank you.

MR. JUNEMANN: Thank you, Jean. Mr. Mazzocco, I did want to clarify one thing. She did mention that there was an article where she had said that they wanted a year-round shelter

and a thrift store. And she brought that up to clarify that that would not be happening at this location. That she understands the, the use restraints on this, this location and, and so I just want to clear that up.

Now, we, we have, we have reviewed the Staff report fully, and, and the conditions that are in it. We fully accept in our agreement with all of those conditions. We did want to bring up that we had mentioned to Staff the other day that we'd like to clarify one thing in Condition 13.

And that's it referenced the West University Historic District. We'd like to just change to the West University Neighborhood Association. That's really the proper Board that, that that condition would, would refer to. And we're okay with that change.

ZONING EXAMINER: Okay.

MR. JUNEMANN: Okay. So for the last few minutes, I'd like to focus on why this request meets the findings that are needed for you to approve this special exception. There are five findings, four of which I think Sister Jose easily meets, and I'm gonna run through those relatively quickly.

The first finding is that the use meets the standard expressly applied by all adopted codes and regulations for that type of land use from a developmental - from a physical property standpoint, we've submitted a site plan that shows compliance

with the development standards and the dimensional standards, and this also is a property that has a legal, non-conforming structure status. So from a physical standpoint, I think we meet this finding.

We also needed to meet the finding, the use specific standards that are tied to this use. And as you mentioned in the Staff report and earlier on in this discussion, that we do meet those use specific standards, specifically the 1200-foot limit on other shelter care rehabilitative services. So we, we meet this finding.

The second finding is that the use provides for adequate and efficient vehicular and pedestrian access and circulation. The vehicle parking, this is a use that does not really generate any vehicle traffic. We've also confirmed to Staff that the, the legal non-conforming structure allows for code compliant parking for the existing parking.

And there's - this site is adequate for pedestrian circulation. It's located close to an arterial, and on-site, as you see on the site plan, there's adequate circulation. So I think we, we meet this finding as well.

The third finding is that the use can be adequately and efficiently served by public facilities, services, such as water, storm water, fire, police and waste disposal. This property has been here for decades. It has always met these, the, the public

services always met the needs of the property. There's nothing to think that, that this will change with this use.

Staff did analyze one thing, though, that the, that the trash would be sufficient, the current trash dumpsters would be sufficient and City Environmental Services has confirmed that. So we believe we meet this finding.

The fourth finding is that the use complies with the General Plan, and any applicable subregional and neighborhood plans, specifically the University Area Plan, and the West University Neighborhood Plan.

Staff - the Staff report did an excellent job analyzing this. I don't think there's anything else that we could add to it. They clearly found that, that our use meets the - is consistent with the policies in all of these plans.

So that brings us to the, the fifth criteria, which I think is the most important criteria for this hearing. It's, it's an important criteria for Sister Jose, and I think it's obviously an important criteria for the neighbors.

And that's that this use does not adversely affect adjacent land uses or the surrounding neighborhoods or that the adverse effects can be substantially mitigated through the use of additional conditions.

Now I can stand here and confidently say that this Sister Jose Women's Center will not adversely affect the

surrounding neighborhood, because for the past three and a half years, it has operated in Barrio Viejo just west of the Five Points intersection, and has had no negative impacts on that neighborhood.

Sister Jose has had a very good relationship with the neighbors there. In fact provided - we have provided you with three letters from neighbors in that neighborhood stating that Sister Jose has been a good and respectful neighbor. Those letters say things like the, the property has improved over the last few years. That, that they've been friendly and that if there were any issues, they were addressed quickly.

We've also provided you data showing that the property values within one-quarter mile of their current location in Barrio Viejo have actually increased over 25% in the three and a half years that, that they have been there. So over that time period, they have not had a negative impact on the property values. And they've really been a very good neighbor.

Now I think there are two primary reasons why Sister

Jose has been a good neighbor in their current location, and why
they will continue to be so in this new location, if approved.

The first is that the shelter is a women's-only shelter. It has always been a women's-only shelter, and it will continue to be a women's-only shelter. And this is important because the women - women's homeless population behave much

differently than the men's homeless population.

Homeless women strive to be unseen. They do not want to draw attention to themselves. They want to kind of stay under the radar. And this is because the more visible a homeless woman is, the more vulnerable she would be to physical violence, sexual violence, being taken advantage of.

So for these reasons, women, homeless, typically do not approach strangers. They do not panhandle typically. They, they do not approach strangers, and do not try to do things that attract attention to themselves.

Now because these women are vulnerable, they greatly value the services that Sister Jose provides to them. This is a place where they can go and feel safe, and feel respected. And, and once they're there for a while, they take great pride, and they think very highly of the Center.

And in some ways, this creates some leverage for Sister Jose is to make sure these women behave appropriately. That they follow the rules, that they're respectful, not only to other women in the Center and the volunteers, but to the neighborhood around them. And that leverage is if they don't follow the rules, then they aren't allowed to come back for a certain period of time.

So that kind of brings me to my second point of why Sister Jose has been a successful good neighbor in their current

location, and will be in this new location. And that's because Sister Jose is a very well-managed organization. It stresses clear rules, good security and proactive communication. We've provided you the Operations Management Plan. It has a full array of their rules.

I'm not gonna go through all those, but I will stress that they have a code of conduct that each woman signs, that's posted in their organization - in their building. And that, that code of conduct stresses respect for not only other women in the Center, but for the neighbor- -- for the neighborhood as well.

Some of the rules that they've implemented that, that are geared towards minimizing any impact on the neighborhood is that they strictly enforce the guest numbers. They do not allow reentry, as Ms. Fedigan said, and they do not allow loitering in the neighborhood. And they won't allow anybody to wait outside for a guest that's inside. They, they tell them they have to go outside the neighborhood and meet up later.

For this location, they're also gonna limit access to the property directly from Stone and directly from 6th along the north side of 4th Avenue, just to minimize any impact on the neighborhood.

Sister Jose also stresses safety and security. Now this is a population that is not prone to violence. They come to Sister Jose to escape violence. But Sister Jose has some clear,

clear rules that they enforce. Zero tolerance policy for violence. Zero tolerance policy for weapons. Zero tolerance policy for drugs. If these rules are broken, the consequence is the women can't come back for a certain period of time.

They always have one staff member who's dedicated to site security, and for the times where people aren't in the building, they'll install security cameras for the exterior, interior security alarms that's monitored, and locked gates, and security lighting to make sure that the premises is, is secure.

Finally, Sister Jose stresses good, proactive communication. They've, they've built relationships with their neighbors. They've kept open lines of communication, phone - phone numbers are always available. If there is a problem, those problems are addressed quickly and thoroughly. And I think that's really one of the main reasons why they've been successful where they are.

So if approved, Sister Jose will operate its new shelter with the same diligence and proactive management style as it operates its current shelter. They will also continue to only serve women. The results here in this location will be the same as in their current location. No adverse impact on the surrounding neighbors.

The conditions put in place by this special exception will insure this. But Sister Jose, with or without these

conditions, will operate a facility in a way that does not impact its neighbors. This is an organization run by people who are not only committed to service, but also committed to being a good neighbor now and into the future.

For these reasons, Sister Jose meets all of the findings required for this special exception and we respectfully request you approve this special exception. So we're prepared to answer any questions you have. And we'd like to reserve some time for after the public hearing to address any questions.

ZONING EXAMINER: Okay. Thank you, Mr. Junemann.
Okay. This part is the public testimony part of the public hearing. And I'm going to have it for 90 minutes. And the way I want to structure this is every speaker can have up to five minutes to speak.

And the way the Zoning Examiner Rules of Procedure work is first the people in support speak, and then the people who are not - are against the special exception speak. So how I'm gonna ask this is I'm going to ask first for the first 30 minutes of that 90 minutes, that the people in support speak. Then the next 30 minutes, the people who are not in support of it speak.

And then the last 30 minutes, I'll divide that into two 15-minute blocks. If there's still people that haven't spoken can speak in that time frame. So the way this is set up is people who are in support, they raise their hand. I acknowledge

them, and then they come forward and speak.

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So I'm going to give each of you five minutes. And so remember, there is a 30-minute clock that's running on that. So if a speaker before you has said something that you agree with, and you were going to say, you can say, "I agree with that speaker," and maybe just add, "but I have some additional information to add."

That's just a suggestion to be efficient. But you're welcome to say anything you want as long as it's civil during those five minutes. So Mr. Junemann, you want to say something? Okay. Go ahead. Then we'll begin.

MR. JUNEMANN: Mr. Mazzocco, we've asked our speakers to limit it to two or three minutes. If you could let us know at three minutes, I think that'll be -

ZONING EXAMINER: Okay.

MR. JUNEMANN: - better for us. Thank you.

ZONING EXAMINER: That's great. Okay. So I'm all set. John, are you set? Okay. So those in favor of the special exception, could you raise your hands. Okay. The gentleman in the front here. Sign in if you haven't already. Identify yourself by name and address.

MR. TOFEL: I have signed in. Thank you. My name is Steve Tofel. I live at 2147 East 5th Street in Tucson. I live in what I would call maybe the East University Neighborhood.

It's alias Sam Hughes. So I, I live in a neighborhood that I think is very similar.

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My background is a general contractor. I build apartments and I build a lot of affordable apartments. I build apartments for families, for seniors, for, for special needs, and for homeless, and for, and for shelters.

And I can tell you, and we've done probably close to 60 projects like this. So I have a lot of experience in this area, and especially am fairly familiar with the reaction that neighbors have when these kind of projects are built. And the reality is what I've found is that there is usually a very strong over-reaction.

In virtually every case after the project is completed, the neighbors are surprised at how little impact it has on their lives and on their property value. And I would say that in this particular case especially, I've known Jean for 33 years, and I can tell you that she is tremendous integrity. She is extremely dedicated and I know that she would never have gone into this very difficult venture if she wasn't, if it wasn't completely in her heart to do so.

I know she will do everything that has been said she will do, and that she will run a really good shelter. And I, I 100% support it. And frankly, it's easy for me to say that because I live a distance away. I would much rather have this

than a student housing. I've had students living across the street having parties 'til 1:00 or 2:00 in the morning. I'll take this shelter any day. Thank you.

ZONING EXAMINER: Okay. Thank you. Okay. Anyone in support? In front here in the red. You, you - yeah. And sign in and then state your name and address for the record.

MS. ABREWTON: Good evening. My name is Maria
Abrewton. I currently was homeless. I'm still homeless. I
don't have a lease, so therefore I'm homeless. I was homeless in
California. I had an argument with a policeman because I don't
dress the part. And I am like, "You honestly think when I was
little," I said, "I want to grow up to be homeless," you know?
"Don't be stupid," you know.

So anyway, I came to Arizona 'cause I'm originally from here. When I was in California, I used to work with the Department of Aging Adult Services for 18 years. I was making \$40,000 a year. I was living in a \$169,000 home. I had two beautiful kids. I was living the life.

I lost my job. I have a bipolar disorder, and I want you guys to know that a lot of the homeless people have mental issues, which is not bad, but it's honest, true is that we have mental issues.

It spiraled down. I lost my house, I lost my cars. I lost my kids because what was I gonna do, bring them to Tucson so

they could live under a rock? Better yet in the river, 'cause I lived in the Santa Cruz River for about a month under a tree.

Sister Jose has been a heaven blessed. All the clothes I'm wearing are from Sister Jose, even the undergarments. I was currently, my address was 18 West 18th for the summer months. I go there during the day. I'm living right now at - it's assisted, not assisted living because that's for older people, but transition assisted, transitional living.

But they, in previous meetings that you've had, I heard that the neighborhood themselves said that women don't loiter. We go do our business and then leave, do laundry, whatever it is that we need to do, and then we leave unlike you men, not personally, but the men stick around and, you know, drink and loiter, what have you. We go ahead and take care of business and then leave.

I continue to be homeless, but I'm spiraling up because once I hit rock bottom, there's nowhere else to go but up. I'm not going to Hell, so I gotta go up. So Sister Jose has been a heaven bless. Thank you.

ZONING EXAMINER: Thank you.

MS. ABREWTON: One more thing I had to say 'cause this had an impact on me, too. Last year I was raped. I'm 55, I'll be 55 this year, and at Sister Jose, they encouraged me to call the police. Thank you.

ZONING EXAMINER: Okay. Thank you. Okay. In the back there. Yes, you. Okay. Please sign in your name and address and say that for the record, too.

MS. BUCKLEY: Good evening. My name is Penny Buckley and I reside at 5580 East Camden Street. I am the Psych.

Coordinator of Sister Jose Women's Center. I want to thank the Zoning Examiner for the opportunity to speak tonight in support of approval of this special exception.

Homeless women, they're really not the problem. They're the result of this recession that continues in Tucson even while other cities recover. They're the result of domestic violence, and they're the result of a failed social net that forces women who are physically, are mentally ill and without resources to also be without shelter.

Sister Jose Women's Center is a solution, one of the few available to homeless women in Tucson. We welcome all women seeking refuge from the state of homeless by offering them the basic necessities of life. Food, shelter, clothes, community and encouragement.

I want to speak about the community that has formed as Sister Jose Women's Center because I think there are some who do not understand what we mean to the women we serve, and to the community around us. Our community begins with a core group of 40-plus volunteers who are extremely dedicated to our mission,

many of whom are here tonight.

This is an amazing group of women who freely give their time and service to other women. These volunteers are the source of our motto, "Sisters Helping Sisters". We are a beautiful array of ages from University interns to vibrant women in their 80's. We are a mix of religions, races and economic classes. Like the women we serve, we represent the community of Tucson at its best.

At Sister Jose's, we know your name. We learn about your family and your life. And we know which donated shirt will hold a special appeal to you. And that after you shower, you will feel human again. That's the phrase we hear over and over. "I feel human again."

But that is not where we stop. It is the point at which women can really begin to process a recovery from homelessness. Women who are homeless live in a state of shock. They live in survival mode. And many live invisible lives so they can remain safe from the aggression of life on the streets.

In survival mode, one cannot make decisions about tomorrow or next week. One cannot seek employment and training nor attend to the needs of everyday life. At Sister Jose's, women can catch their breath and become human again. They can find resources and make contact with those resources. They can be part of the community that supports them and takes them as

they are without judgment or disdain.

Some of our clients will then begin the process of becoming whole and forming a personal identity in which they feel valuable and capable. For example, last week one of our clients moved to an apartment, and she'll be graduating from a job training program in April that will prepare her, that prepare her for employment. Successes like these can, can happen, but they need a place to begin to take seed. Sister Jose Women's Center is the garden for such growth.

It is human nature to respond to the unknown with fear. Some of our neighbors express fear - or some of our potential neighbors express fear about our impact on their community and property value. West University is a mixed neighborhood in the heart of Tucson where people from all walks of life live, work and play.

We will be a good neighbor. We will be an addition, not a detraction, from West University because we will bring services to the people who are already there in the parks, the lots and the streets. We represent an investment by generous donors, foundations and individuals who believe that our program works.

ZONING EXAMINER: You have one minute.

MS. BUCKLEY: And that the women we serve are viable members of this community. West University is in the heart of

Tucson, and it is where we belong. Please approve the special exception and allow Sister Jose Women's Center to continue to serve Tucson's homeless women and move them towards the first steps of recovery from the condition of homelessness. Thank you.

ZONING EXAMINER: Thank you. Okay. Right there. Yes So sign in your name and address and then say it for the record, please.

MS. VICK: Hi. Good evening. My name is Michele Vick. I want to preface this with saying that I drive in from Green Valley, 182 East Camino De Diana. I was retired at the age of 23 from the Air Force, and now at the age of 35, I feel like Sister Jose - forgive me, I'm shaking. It's really the only thing that I've done with my life.

I've been volunteering there, I'm entering my second year and I've prepared a letter for you about them. But - everything that Sister Jose does is everything that I've served this country for. So Zoning, Zoning Commission, thank you for allowing me to address you, and I respectfully submit that my name is Michele, and I am the Veteran Liaison for Sister Jose and Veterans First of Phoenix.

I left the military a victim of sexual trauma, mental illness, with an eating disorder and crippling PTSD. I had no self-worth, and entered a string of abusive marriages, one which resulted in the death of my only child. I've been homeless, I've

been hungry, I've been in and out of treatment for addiction, severe mental illness which you'll hear referred to as SMI in some cases, which I have. I'm just dealing with it. And more attempts on my life than I may count.

I stand before you a living being, but the military did kill my soul. Though I volunteer for Sister Jose, I consider myself a client, for the Center has given me more humanity and purpose than I've had since the 9/11 attacks.

The Center improves my quality of life and gives me direction. It gives me community and friendships only a true sisterhood may provide, and I see my sisters here, and I love you guys. I implore the City of Tucson to continue serving our women veterans and civilians alike by allowing us to expand.

Please allow my military service to find some meaning now that I am actually home. The clients of Sister Jose are not contagious. They are kind, deserving women trying to find their way in life, as I still am, to tell you the truth. I go to the VA just as much as I go to Sister Jose.

Please do not enable fear to close another door in their beautiful faces. Our veterans and our women deserve so much better and I thank you for your time.

ZONING EXAMINER: Thank you. Okay. In support - right - the - behind - you. No, no, no. In the second row there.

Yeah, you. Yeah. And you understand, sign in, address, and then

say your name and address for the record. Yes.

MS. DELGADO: Thank you. Good evening. My name is Micaias Celeste Delgado. My mailing address is 702 South 6th Avenue. I understand that my main purpose for being here today is to make it known to the Zoning Examiner what the Sister Jose home means to me.

But before I do this, I must first say that I don't desire to live being stereotyped as a homeless woman because I am a business woman, who also pays taxes before I am a homeless woman.

Due to my financial hardship, I am on file as a low income, poverty level individual. Therefore, given my status, this is what Sister Jose means to me. This home provides the hope that I need right now to function as a working citizen of Tucson, Arizona.

It has been my home away from home. It is a place where I feel a sense of belonging due to some welcoming hearts and warm smiles. It is a place where we are treated as being part of one another with few exceptions.

A home where I have witnessed firsthand the strong helping the weak to both survive and to get back up again. A people that have demonstrated non-biased attitudes when it came to them performing the greatest work and service and devotion to those in need, for which I am one of them.

Sister Jose, the place of all places where I am convinced that I could always count on love to show up in one way or another. It showed up through the giving of a sack of lunch, in a shower, in my water, in a sweater, in a pair of working pants and boots. But most especially, it was recognized in the arms of those that embraced us on days when all we needed was a hug.

Lastly, what this home has meant for me is the women who volunteer, who lay down and also set aside a portion of their lives for us, to minister love, care and prayer in a faithful and true way, I want to acknowledge them by adding that they are a great part of the reason why I can stand here before you this day, not as a homeless woman, but rather, presenting myself in appearance and speech as a businesswoman in spite of homelessness.

So to prevent or stop Sister Jose from being will be to stop me from being, making me a prey to the ditches and streets of Tucson and possibly to other evil entities that might seek my hurt. I don't want to be a nuisance to the public here in Tucson, Arizona. So I place my petition to consider being a part of the solution to homelessness, and not the problem of it.

Homelessness shall not overcome us women who believe in a way out. Sister Jose, I believe, is one way out. But rather, we shall overcome homelessness. This shall be one of our

victories written in history. Thank you all for the time you took to listen to these words from my heart to yours.

ZONING EXAMINER: Thank you. Okay. Anybody else? Far in the back there. Gray-haired gentleman. That's all, that's all I could see. I couldn't say the gentleman with the tie. But welcome to the club, you know. And you understand name, address written, and then stated for the record.

RABBI LOCHEIM: I'm Rabbi Tom Loucheim. And I think ever since I went to Georgetown University as a business major, I found a calling somewhere else in my life. And I started working for Campus Ministries, and worked for the community for creative non-violence with Mitch Snyder in the ghetto in D.C. rebuilding low income housing, and in the, in impoverished areas in Norfolk, West Virginia.

I, I have served on the Board of Directors of Habitat for Humanity here in Tucson, Arizona. And stood up like some of my - other people who have spoken to people in authority who have decided to label people, and not see them as, as human beings. Sister Jose is, is part of our highest religious calling.

In the book of Deuteronomy in Chapter 15, we read that if there are any poor brethren among you, you shouldn't be hard-hearted, and you shouldn't be tight-fisted. But if they need your help, open your hand and, and lend them whatever you want.

And in Matthew 25 is the most, one of the more famous

passages in the Gospels where we read that if your - if, when I was thirsty, you gave me drink. When I was hungry, you gave me something to eat. When I was imprisoned, you visited me, and when I was naked, you clothed me.

1.4

And Jesus' disciples said, "We didn't do anything of that for you." And he said, "When you did it for one my brethren, then you did it for me." And in Deuteronomy, it, it talks about doing it for my brethren. These aren't strangers. They aren't people who are labeled, you know, as homeless or indigent, but these are human beings who have names, and it's our religious obligation to serve them to our very best ability. Thank you very much.

ZONING EXAMINER: Thank you. Okay. The lady over here. Yes. With glasses, yeah. Well, well, okay. You're, you're next, okay? Okay.

MS. GILLINGHAM: Hi. My name is - I already signed. My name is Deanna Gillingham. I'm 53 years old, and I'm homeless. I came to Tucson when I was 16 and I already had one child. I ran away from the dysfunction of an alcoholic father that beat my mother.

And I believe alcoholism is hereditary and started drinking when it was legal at 19 in Tucson. I also got into an abusive relationship, and alcohol was the cause. At 21, I enrolled in Tucson College of Business for medical secretary, and

got pregnant during college, and my water broke when I was in class typing.

1.0

1.1

I did finish college, got out of that relationship, and soon after got into - got a job as a caretaker for a gentleman that became my best friend. He had diabetes, with several other health problems. I got paid and free room and board.

I did work part-time at jobs while caretaker, but this man was the provider. We became best friends for 15 years. We went fishing, we went bowling, we went to movies, and had a sober, happy life until the night he died unexpectedly in my arms.

He had no family. I'm still in shock of losing my best friend. I had a, I had to do a small service and had him cremated and I still have his ashes. We did love each other but never took time out to marry, so there's no common-law in Arizona and I didn't get anything but his ashes.

I tried hard and kept up the rent for two months, but work got slow and couldn't make enough to make rent, gas and electric alone, so I became homeless. It's stressful and hard being homeless. And two weeks before Christmas this year, I was diagnosed with breast cancer.

Three days after Christmas, I had my breast removed.

I have one daughter and four grandkids in Tucson, but didn't want to be a burden to them, and my son-in-law and I don't get along.

Sister Jose's was the place where I recuperated. I had tubes and pumps hooked to me. I was taking medicine. If I didn't have Sister Jose's to rest and eat when I could, and keep my incisions clean, I would have had to lay in the park.

Sister Jose's is a godsend to us women. We are human beings that are having hard times. It's a clean and sober home, and if anyone is under the influence of drugs or alcohol, they're not allowed in.

Sister Jose's is here to help put our feet in the door of employment, job training programs, and any services that us women are in need of to be able to put a roof over our head, and better our lives. Thank you for hearing me out.

ZONING EXAMINER: Okay. Thank you. And, and the lady who I was pointing to before.

MS. SAMUEL: Thank you, Examiner. Good afternoon. Thank you for the opportunity to speak. I really speak this afternoon from two perspectives.

ZONING EXAMINER: Your name and address, please.

MS. SAMUEL: My name is Aida Samuel from 9005 East Seva Sumac. I am a volunteer. I'm an engineer during the day, so I work during the day. So my volunteering is mostly at night.

Most of the things that I strongly believe have already been said tonight. But I do want to say one thing.

In my experience during the nights that I've spent with

these wonderful special women, I have come to see that they truly value that this is a home. It is so easy to paint homelessness with a white brush. And to say, "why don't you just go away, and set up somewhere in an industrial building, in a lot somewhere far?"

We need to be part of a neighborhood. To these women, this is a home. This new location looks like a home, feels like a home. It is a home. When someone new comes and I'm volunteering at night, very often I don't even have to brief them about the house rules that have been spoken about tonight.

These women immediately embrace the newcomer, and they themselves start telling them. "This is how we do things. This is how we are respectful and loving. And this is how we guard this precious, precious thing that we have that is the nearest thing to a home."

So I want to say that from the perspective of a volunteer that I truly felt that I have received much more from these special women than I have given.

The other perspective is I am mom. I'm the School Board President of Our Mother of Sorrows Catholic School. I participated in the meeting with the Mexicayotl Academy. I speak as a mom, as a school board president where we are teaching our children, our future generations about social justice, about mercy in action.

I have seen the students in our school prepare lunches for Casa Maria. My son prepares meals and goes to the Primavera men's homeless shelter with my husband. Sister Jose's Women's Center is no different. We will be welcoming the students that are already lined up to come and help paint a mural in our new home for these women.

This is our future generations. As a mom, I welcome this opportunity. I reach out to the academy, to our neighbors. Help us to teach this new generation about social justice, about how we can all play a part in being a small solution to the homeless situation that we face. Thank you for your time.

ZONING EXAMINER: Thank you. Okay. In front. Go ahead. Yeah, you, you, sir.

MONSIGNOR KAHALENE: My name is Monsignor Tom Kahalene. I'm President of the Board of Directors for Sister Jose Women's Shelter Center, and Pastor of Our Mother of Sorrows Parish on the east side.

The shelter center was launched by a small group of very dedicated women from the parish seven years ago, and it has grown miraculously in terms of it becoming a citywide network of care and God's unconditional love embodied in the group of volunteer women who are staffing the Center.

Not once in the seven years of the Center's existence has it complained, come to the Board of Directors' for

consideration. And I think that is most, most significant in terms of how the Center is being run, how it's being, how it's being a Center, a service center of love to a very needy population in our city where there was nothing of its kind prior to its coming into existence.

So I am most grateful for this opportunity to speak as President of the Board of Directors and again to note the fact that there has never been a complaint from the neighborhoods in which the Center has existed over its seven years of history. Thank you so very much.

ZONING EXAMINER: Thank you. Okay. In front there, with the glasses. Yes, you. You. No, no, no. You.

MS. IVANOVA: Hi. My name is Lucy, and I'm here to tell you a little bit about myself, and how Sister Jose shelter has helped me. All my life I worked as a teacher. My husband worked as an engineer mechanic where he repaired airplanes. We was happy family, and five years ago, my husband unexpectedly died.

Since then, I have struggled a lot and ended up on the streets of Tucson without home, work and hope for the future. When I found Sister Jose's shelter, the first thing that struck me were how clean it is and the rules. Oh, yes, Sister Jose's shelter has the rules.

And number one, and number one is treat everyone with

respect, dignity and compassion. There are whole list of other rules which ended with, "Please help us to maintain a safe and helpful environment for all who enter our shelter, and for our neighborhood." I repeat. Safe and helpful environment. This kind of social services provided by Sister Jose's shelter.

For more than three years, Sister Jose became not only my sister, but my friend, my soul, my family, my life. This shelter even helped me to get a job, and I am on my way to get a permanent house.

The main point of my speech is there are more wounded souls who need help than Sister Jose's shelter can help serve at their current location. Clearly, it needs more space. And one more sentence. I was a U of A student. I do live - I did live in U of A dormitory for students. And, oh, Mama Mia, you can't compare, you can't found (sic) better neighbor because goal is different.

The goal was of dormitory of students to pick up as much money as they can. The goal of Sister Jose's shelter, to help the neighborhood and everybody else. Thank you.

ZONING EXAMINER: Okay. Thank you. Okay. I haven't picked from this side. You. Yes. Name and address written and then stated on the record.

DR. LAMPSON: My name is Dr. Diana Lampson. I live on Picture Rocks Road in Tucson. Well, I've listened to this.

My involvement is I'm a psychiatrist, and I retired about five years ago, and I traveled and learned a lot of new things. And then I heard about Sister Jose's, and I started volunteering.

2.

And through that, I got talked into working at the Crisis Response Center, so I'm intimately involved with all of Tucson's - a lot of Tucson's homeless mentally ill. And I guess I just want to say that I'm very passionate about - when you deal with, with mental illness, you deal with housing, and you deal with lack of, you know, resources.

It's, it's critical for anybody to get better. And people do get better. They get radically better, but they have to have some stability in how they live. And one thing that I keep hearing about is the, the fact that Sister Jose's is run so well it's not gonna affect the neighborhood.

It will affect the neighborhood. It will affect the neighborhood deeply. And I don't know how I would feel if it were right next door to me. Even though I'm a psychiatrist, I understand people, I, I'm sure I would feel some ruffles about it.

But my experience has been that the, the, the opportunity is here in Tucson to, to do amazing work with the homeless. We are a mecca nationally. The mentally ill come to us from all over. I think we all know that because of various things that we have here.

And we have the opportunity, and really the obligation to be creative in how we, not just tolerate it, but sort of welcome it and work with it in a creative way. So anyway, I'm just encouraging Tucson and the neighbors to consider that, that there will be an impact. And I think it can be a very positive impact, and it can be a very rewarding relationship. Anyway, thank you.

1.

ZONING EXAMINER: Okay. In the white with the hand up there. Yes.

MS. HARRIS: While she's filling out her name, I'll, I'll do mine, all right? I'm Susan Harris. I represent First Christian Church, 740 East Speedway which is the corner of Euclid and Speedway. And I think it's better up here. I'm a little taller.

I was at the WUNA, is West University Neighborhood Association, so I'm gonna use WUNA 'cause it's easier. I, I was at the WUNA meeting when Jean presented a request to the neighborhood association. I immediately embraced the idea and told the Pastor and women at First Christian that perhaps as a neighborhood project, we might become involved in whatever may seem helpful.

Also I'm Secretary of Church Women United Tucson, and I brought this idea to the very next Board meeting which meets right at Pima Friends meeting house right on Catalina Park.

So I've suggested that we lift Sister Jose up as a recipient of our Christmas in September event. And so we're doing fundraiser - fundraising ideas.

Now after the WUNA meeting where Jean spoke, I arrived at choir practice a little late, and told everyone about Sister Jose's Women Center moving into the neighborhood. Dr. Rudy Byrd, who's in our choir, and grew up in the West University Neighborhood Assoc- -- Neighborhood told me he was Sister Jose's doctor.

And then he told me all the wonderful things she did in her lifetime. And Jean is keeping her spirit alive in the work the volunteers do. And I applaud their efforts assisting vulnerable women in our community. So I do not believe this is an accident.

And then when I read the opposition to request for zoning exception, I found myself pretty fearful. I wanted to go and lock the door. But, you know, then shaking off the emotion, I realized that fear is not my nature, nor do I believe it's characteristic of the West University Neighborhood either.

When I first arrived in Tucson in '71, the WUNA area embraced all the ideals of diversity I love. Unlike the east side of the University, people walk the streets. The 4th Avenue Street Fair was in its infancy, and one of the biggest threats was the University students. But, of course, that comes with the

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neighborhood.

In 1982, I was Block Captain and I went to all the - to get West University Neighborhood Association on a federal - become a federal historic neighborhood. So I got signatures from all the homeowners on the block.

During that time, my home was down the street from a place called Dooley's. It was a church converted to a, a bar, basically. And I would have to deal with young people breaking glass on the sidewalk in front of my house where my two young children played. The solution for them became non-breakable containers. Hmm. Okay. Well, it sort of worked, you know.

So I know how it feels to be impacted in my neighborhood community. But I love the West University Neighborhood. Time Market right to the west. The University to the east. And now being at First Christian, I, again, I thought about, okay, what if it was moving on this corner?

We have Desert Spring Learning Center, just like they have the elementary school. So, you know, could there be a problem? But then I realized that there's always change and impact. And most recently at First Christian anyway, they've embraced the NA groups which is Narcotics Anonymous.

And, yes, they meet there daily for six, six days a week, sometimes twice a day. And sometimes they hang out and talk after their meetings, but -

ZONING EXAMINER: One minute.

MS. HARRIS: - then they leave. So I guess I question the fear this zoning exception has generated. And I ask that this request for the zoning exception be granted. Thank you.

ZONING EXAMINER: Thank you. Okay. Everyone, we're at the 30-minute mark. So what I'd like to do now is I'd like to take like a five-minute break so people can use the restrooms. And then when we come back, we'll talk - we'll have 30 minutes devoted to those who want to speak against the special exception. So five minutes.

(A short break was taken.)

ZONING EXAMINER: Okay. To reiterate what we're doing here is we just heard 30 minutes of, of testimony in support of the special exception. Now we're going to allot 30 minutes to speak against granting the special exception.

So I'm going to ask people, again you have five minutes. And we'll start at 30 minutes. So we'll start first, the lady in blue. Right there. Yes. So you come up, sign in your name and address, and then state it for the record, okay?

MS. CHANDLER: My name is Dee Dee - Dee Chandler. I also practice, I'm an attorney, under Dee Dee Samet. It's interesting that they had like an hour and a half and we have 30 minutes to try to talk.

ZONING EXAMINER: No, no. You have, you'll get the

exact same amount.

MS. CHANDLER: But they had the first, hour first.

But anyway, what I am - I am Vice-President or President Elect of Tucson Homeless Connect. So I, which is an organization that does try to help the homeless in Tucson. We have several events that we do that for.

And so I understand what their purpose is. But my property is - the back of my property is one door down from this property. I was never contacted by anyone. The first I knew about this was I read it in the paper.

Finally some of my neighbors told me about this. I'd received no notices. I received nothing that talked about this. I have no - I have gotten no information from the City about what provisos that they are requiring or anything about this. No one's contacted me.

The gentleman said that women are not aggressive and they don't do what men do.

ZONING EXAMINER: Could you just state your, your address for the record, please?

MS. CHANDLER: 717 North 6th Avenue.

ZONING EXAMINER: Thank you.

MS. CHANDLER: And the back of my property is one door down from this property, from the back of this property, the alley, we have a connecting alley.

The gentleman that said that women, homeless women are not aggressive, some are, some aren't. He needs to come out to Pima County and see then on all the street corners when soliciting funds. I understand what they're trying to do, but what they have is 65 people a day, 455 people a week, 23,000 a year that will be coming to their property. And they're saying that's not gonna affect property values.

1.8

I talked to a realtor. They told me that it will really substantially decrease the property values about, values of those homes that are in that neighborhood, or that are close to this property because of the traffic that will be going in and out of this place.

In addition, it's not only the people that come there, but their friends and their significant others, so to speak. So the alley and the area will be full not only of these people that are there accessing the facility, but also of anybody that they bring with them, or that they have waiting for them or anything like that.

We have had a residential place there that actually where people stay for a substantial length of time, and were being helped, and they were no problem. But this and in and out every day, all day, is not - does not help the neighborhood.

I feel that there are other areas that are not near schools, that are not near property such as this where they could have their -

this type of facility.

In addition, I really feel that they should have contacted the neighbors that were contiguous to them, which they have not done. And I feel that we should have been notified, or at least I should have gotten notice about what the City's requirement (sic), what requirements there should be.

And I would ask for a continuation of this to allow us to find this out, to get the information and to be able to present the arguments as well as some realtors that will tell you what it will do to property values to have this in the neighborhood.

I'm sympathetic to them. I would volunteer there. But I just think that it's not the place to have this. The traffic even with the place that was there was blocking the traffic on the street.

ZONING EXAMINER: One minute.

MS. CHANDLER: What?

ZONING EXAMINER: One minute.

MS. CHANDLER: It was blocking the traffic that comes there, was blocking the traffic on the street. We have the security at night. I work late. My staff works late. I would be very concerned about trying to come out to my car at night with the type of traffic that they're talking about of 65 people a day, and 455 a week and 23,000 a year.

So I would move that the, that you at least continue this to allow further exploration or in addition, deny it.

Thanks.

ZONING EXAMINER: Okay. Thank you. Okay. Over here.

MR. WOLFF: I've al- -- I've already (inaudible)

ZONING EXAMINER: Well, you just - the lady just took

MS. CHANDLER: I had forgotten to sign it.

ZONING EXAMINER: Okay.

the -

MS. CHANDLER: And I'll give it right back.

MR. WOLFF: I've already signed it.

ZONING EXAMINER: Okay. Great. Go ahead.

MR. WOLFF: My name is Stuart Wolff. I own the property at 140 East 4th Street. It's directly across the street from the southern border of this property. You know, I guess somebody has to be the starter of the bad news and Dee Dee was and I'm continuing it, or play the, the bad, the bad guy.

What we've heard tonight is about five percent tangible facts, and 95% emotion. You know, and I've got emotion, too, because I clean up human feces in my parking lot and, and I've called the police about - with people sleeping on my porch when I try to go to work. So we've got that side, too.

But what, what we have is, is a bunch of facts and, and there are a lot of things that have been said tonight that have

been said, but it doesn't make it fact. And I'm gonna ask the, the Staff relook at a few of the things that were stated. I hope you noticed that not one person with an address tonight lives within two miles of this property.

Steve Tofel lives about a mile and a half, two miles on the east side of the University of Arizona. Everybody else is miles and miles away. They will not be affected, and it's easy to say, you know, "I want to do good." And we don't want to do bad, but we're the ones who are gonna deal with this on a daily basis.

I do have a couple of things to hand out, and so if you're inclined to take them now, unless you want pictures of the feces, I only have this.

ZONING EXAMINER: Have you already submitted that?

MR. WOLFF: I have not.

ZONING EXAMINER: Okay. Why don't you put it on the - put it there, and we'll pick it up.

MR. WOLFF: Okay.

ZONING EXAMINER: Okay?

MR. WOLFF: Okay. What it is, this is essentially bullet points that's elaborated for, for your edification so we don't, I don't miss anything.

First of all, if you go to the Sister Jose website, it states their plight. It says their project and their plans, and

it states that neighborhood buy-in is essential. You're gonna hear from every person opposed to this lives within feet of this project. Everybody for it are miles away.

They have, they have defined their own definition of the, of the homeless corridor is Speedway to 29th Street, I-10 to Campbell. That's approximately two and a half miles in each direction. I guarantee you, they can find alternative projects that are not in neighborhoods that already we're, we're inundated with homeless and we live it every day. This is, as Dee Dee said, 65, 75 people a day are going to - that have an impact.

The lady who, the psychiatrist, she came up and I thought, "Oh, my God, here we go. I'm gonna have a big ammunition, or they're gonna have ammunition." Fact is, she acknowledges there's going to be impact. What we don't want to be is the experiment to find out what works and what doesn't.

Now going down this, you'll see a map that's been highlighted that identifies all of the people who have signed petitions against this. It is 100% of the people adjacent to this property.

You know, I take contention with the soup kitchen. The definition of a shelter is, a residential shelter care service provides lodging on a temporary basis. They may, in fact, do that. They serve meals and, and counseling to the homeless.

This organization does not provide counseling. It's serviced by volunteers. Jean Fedigan has told neighbors in our neighborhood they cannot afford and do not have counselors. So they do not meet the technical definition of - for a shelter.

A soup kitchen, on the contrary, is a food service use that provides free meals for consumption on or off-site. They, in fact, are a soup kitchen. A soup kitchen is not allowed in C-1. It is allowed in C-2 with a special exemption.

ZONING EXAMINER: You have one minute.

MR. WOLFF: Sir, I've got miles of stuff to do. You know, are we here about the facts, because we - this is critical stuff. We are David and they are Goliath, and I believe the skids are typically greased against us. So I'd appreciate some latitude.

ZONING EXAMINER: One minute.

MR. WOLFF: Thank you very much. So I hope that you will read my document, 'cause the UDC does say I can, I can submit written - or, okay.

The notice is inadequate. The notice states - the one that they sent for the neighborhood meeting was sent to 400 West University. It was held at 400 East University, approximately ten blocks away. There were a good number of people who, who did not get the notice to go.

The notice that they posted on the building for this

public hearing says they're a shelter. The, the law says they have to be farther than 1200 feet away from a shelter and a -

ZONING EXAMINER: Begin wrapping up.

MR. WOLFF: Pardon me?

1.0

ZONING EXAMINER: Begin wrapping up.

MR. WOLFF: You know what? You screwed me. You know, I've got stuff - please read the document. I -

ZONING EXAMINER: Okay. Yeah. Absolutely.

MR. WOLFF: Yeah.

ZONING EXAMINER: Absolutely.

MR. WOLFF: Uh-huh.

ZONING EXAMINER: Okay. Thank you. Okay. Next speaker. Over there.

MR. LEIGHTON: Hi. My name is Chris Leighton. I live at 739 North 7th Avenue, an HR-3 property in the protest zone. And I also own 727 North 7th Avenue, another HR-3 property in the protest zone.

What we are opposed to is the location. It is within a residential neighborhood. Yes, some of the residences have higher zoning, but they are still a residential use.

Any other case like this has been limited to being on an arterial, not on a corner of two intersecting residential streets. I think we'd all be much more supportive even if it was

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on Stone Avenue, outside of the neighborhood.

I also believe the procedure has been flawed. I think you've heard people haven't gotten notice. I personally didn't get notice, incorrect address on the initial neighborhood meeting, required meeting notice which also happened to be another church.

The signs installed at the site went up after the 20-day requirement, and even in the Staff report, there are some inaccuracies with what's, what's on the site today, how the site's being used. The site is actually a single-family residential, it is not a residential rehab, and it has not been since 2009.

The other thing is if it is going to be considered, I agree that it does, at least 95% of the year, act as a soup kitchen 'cause there is no lodging. There may be ten nights where there's Operation Deep Freeze where there's lodging. So I don't understand how five percent of the year they make that into a shelter.

However there's a parking requirement if it's a shelter, which is not being met on-site, which is one space per two beds. So it'd require at least 13 parking spaces. That has not been brought up in any Staff report. However, it is a requirement of UDC.

And then I guess the one thing I would like to ask if

this is granted, they claim, and we have no doubt that they run a great program. If this is granted, it needs to be limited to this ownership only. If the building's ever sold, we'd like the special - the base zoning to revert on the property, because we would - you don't know who the next owner that provides this kind of service, how they would operate it.

ZONING EXAMINER: Okay.

MR. LEIGHTON: That's it.

ZONING EXAMINER: Okay. Thank you.

MR. LEIGHTON: Thank you.

ZONING EXAMINER: The next person right there. Okay.

MS. SENSIBAR: All the property colored in here are against the, the shelter. This (inaudible) including the school, which the (inaudible)

ZONING EXAMINER: Where are, where are you going? Where are you going?

MS. SENSIBAR: I'm going right here.

ZONING EXAMINER: Okay.

MS. SENSIBAR: I don't know which way (inaudible)

ZONING EXAMINER: Okay. Manny, can you help her so she can - we, we can see it. Just, just put it over here so I can see it.

MANNY: Okay.

ZONING EXAMINER: Okay? Thank you. And can you - did

you sign in, name, address?

MS. SENSIBAR: Yes, I did.

ZONING EXAMINER: Okay.

MS. SENSIBAR: Mr. Mazzocco, my name is Judy Sensibar. I live with my husband and three children at 624 North 7th Avenue. I speak tonight as Area Six Representative for West University Neighborhood Association. Area Six covers from 6th Street to University, and from Stone to 6th Avenue.

I speak on half of more than 100 property owners, workers and residents within 500 feet of the property who have stated they are opposed to the zoning exception for this property. You have received the position paper and the neighbors' signatures, correct?

ZONING EXAMINER: Yes.

MS. SENSIBAR: This is the map, the visual aid that shows who you - who is protesting the request. As I just mentioned when I was walking up here, all the colored properties are against the request.

The zoning exception should not be allowed for four regulatory reasons. First, UDC Code 497J-1, under Residential Care Services. A rehabilitation service or shelter care use shall not be less than 1200 in any direction from another rehabilitation service or shelter care use. COPE, a rehabilitation service on Stone and University is within

1200 feet and is of the prohibited radius.

Second, HC-1 zone properties are prohibited from being soup kitchens. There is no exemption process around this, other than a complete change of zoning for HC-2. This is the most potent argument we have. What Sister Jose actually does most resembles a soup kitchen, not a shelter.

Soup kitchen definition. UDC 11.34.N.2. "Soup kitchen. A food service use that provides free meals for consumption on or off site." Currently the project is called the Sister Jose Women's Center which is purposely misleading, that the new program can be classified as something else, neither a soup kitchen nor shelter is a misguided attempt to circumvent the zoning criteria.

There is still a third important part of the zoning code which would also be directly violated. UDC Code 4.97.J-6. The site shall be located at least 500 feet measured in a straight line from the property zone to a zone boundary line of R-3, or more restrictive zoning.

If this were granted, the soup kitchen would share a property line with a family home who has owned and lived there in the house for 30 years. And it also would be only 20 feet from apartments on Echols Alley. I am frankly baffled why Sister Jose would want this location. Why not a church? Why not on a main thoroughfare?

This leads to the final most pressing point for those of us who have worked so hard over the last 20 years to make West University the most wonderful neighborhood it has finally become. It is the gateway to downtown. It is the western gateway to the U of A, the only true, walkable, mixed-use neighborhood in Tucson. We are a fragile area, especially at the edges, and we the zoning protection.

The Neighborhood Plan for West University, last updated in 2011, under Neighborhood Conservation Policy 1(B)6 explicitly states. "Discourage rezoning to non-residential use or more intensive residential use in the areas that is designated as a low densidential (sic) - low des- -- in the areas designated as low density residential." I'm gonna repeat that.

ZONING EXAMINER: Okay.

MS. SENSIBAR: In our West Univer- -- in our West University Plan, it states under Neighborhood Conservation 1(B)6, "Discourage rezonings to non-residential use or more intensive residential use in the areas designated as low density residential on the land use map," and we are in that zone as low density residential.

The City Zoning Ordinance have been established to protect neighborhoods from inappropriate development and land use. Although the emotional argument to allow soup kitchens for homeless women to open at this location is alluring, it is

expressly prohibited by the current zoning for good reason.

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The zoning is designed to protect neighborhoods from becoming saturated with social service agencies and to protect residential properties from having a business that poses an attractive nuisance from moving in. In this case, moving in means on a corner block directly next to, -

ZONING EXAMINER: You have one minute, Ms. Sensibar.

MS. SENSIBAR: - in front of and across the street and alley from other residents. Mr. Mazzocco, please don't let City incompetence and poorly conceived plan for an expanding soup kitchen find its way into an area that is finally a fledgling few blocks of a little new school, many new offices and some in-fill properties.

The last two times the neighborhood protested neighborhood exceptions, we were overruled by the City only for the City later to admit they had made a mistake. The south edge of the neighborhood is now eroded by the district. The towers at the east edge of the neighborhood also have destroyed single-family homes, damaged rental prices in the area, gone against the neighborhood code.

How many more times will the City make a decision that could go against what the neighborhood wants and needs?

ZONING EXAMINER: Okay. Wrap up your -

MS. SENSIBAR: The City should listen to the people who

actual bring revenue into the neighborhood and tend to its daily fabric. Sister Jose says it wants neighborhood support. They don't have it.

ZONING EXAMINER: Okay. Thank you. Okay. Back here. You're speaking in opposition?

MS. BRAZIE: Yes.

ZONING EXAMINER: Okay.

MS. BRAZIE: My name is Joyce Brazie, and my husband and I are both veterans, and for about two years, we were homeless. And about eight months ago, I come upon Sister Jose's. My experience hasn't been pie in the sky, supportive, being embraced as a sister. And I think it's because, number one, I don't have any addictions.

Number two, I don't have a serious mental illness, and the, the other thing is, I feel Sister Jose's shelter services would adversely impact the adjacent parcels surrounding the neighborhood because the women do bring their significant others to the property. I observed that three times this past week.

I sent Jean Fedigan e-mails. They were not answered, and there's cameras adjacent in the alley. There are no cameras in the property for Sister Jose's at all. If there were, on many occasions in the past eight months that I've been there, law enforcement would have been called.

Every day, there's disturbances of domestic violence,

and other issues taking place in the alley, on the property and at the front of the property. There's a neighbor directly across the street from the current location. His name is David Benitez, and he has been fighting Sister Jose's for years because of incidents occurring there.

So the reason why that I actually e-mailed the President of the Neighborhood Association was my concerns were not responded to about the recent problems there that occurred this past week. And I believe that another thing that needs to be looked into, why are they referring to the shelter like it's going to be a medical facility?

On March 19th, Jean brought medical interns to the location. The women were interviewed and they intend to provide medical services. And I believe that includes counseling, which if they do that, it totally changes the purpose of the women's shelter.

So I'm totally against it. I feel that to a certain extent, a lot of these non-profits are enabling the women to remain homeless. So if you'd like to see the e-mails, I can leave it. My name is Joyce Brazie. I live at 3438 East Monte Vista.

And I address the concerns of men near the property.

There were several thefts that occurred this past week. And they didn't, they didn't reply to my e-mail, so I can leave them here.

ZONING EXAMINER: You can leave them in front there. Anything anybody wants us to take, they're giving additional documents, they can leave them on the table there. Are you finished? You have about 30 seconds.

MS. BRAZIE: The other thing I would like to say, I have children that are 35, 34 and 31, and I volunteered with the TUSD School District for 18 years. We started Parents on Patrol, and for that reason, when I found out that there was a school directly across, I was concerned about that. So it would affect the neighborhood adversely. Although I did receive services for eight months, I feel that the location is the problem.

ZONING EXAMINER: Okay.

MS. BRAZIE: Thank you.

ZONING EXAMINER: Thank you very much. Okay. Right there.

MR. CASTALIA: (Inaudible) So I can refer to it?
ZONING EXAMINER: Sure.

MR. CASTALIA: Thank you.

ZONING EXAMINER: And have you signed in already?

MR. CASTALIA: Yes.

ZONING EXAMINER: Okay. And so you'll just say your name and address for the record.

MR. CASTALIA: My name is Brad- -- Bradford Castalia.

I'm co-owner and resident at 712 North 7th Avenue. Thank you

very much. That is the property immediately north of the subject property. We've lived there for 34 years.

I am speaking, however, not just for myself, but for more than 100 neighbors who are opposed to this zoning exception. The, the neighborhood around subject property is mostly opposed. Everything in color on this pro- -- on this map that you already have, it's been -

ZONING EXAMINER: Uh-huh.

MR. CASTALIA: - delivered to you, you've seen it. Everything in color, all of these parcels are represented by someone who is opposed to the zoning exception. These are the people who would be most directly affected by the location of a soup kitchen.

It is a soup kitchen by definition, by UDC definition, and a homeless shelter in our neighborhood, including, this is really important, including the parents of children attending the elementary school directly across the street from the subject property.

The Mexicayotl School, the Board has officially notified you that they are very concerned and opposed to this zoning exception. They are very concerned for their children. All we need is one incident and it's gonna be a disaster.

I want to refer to the, to UDC 3.4.5 paragraph 2.

It was kind of glossed over by the Sister Jose representatives.

"Does not adversely affect adjacent land uses or the surrounding neighborhood or that such adverse effects can be substantially mitigated through the use of additional conditions." This is what you are required to find.

Well, it's the adverse conditions the neighbors are concerned about. If we were not concerned, we would not be here. All the nice language about there's not gonna be any problem are assertions that do not match our actual experience.

The experience of people who live directly in this neighborhood who know about what the, the problems of a transient homeless population, not a sheltered homeless population, but a transient homeless population, we know what these problems are from our own immediate experience.

I think we all know what these problems are. We know about the verbal and physical assaults. We know about the vandalism of property. We know about the arts (inaudible) We know about all the problems that are occurring.

We know that these problems are occurring because many of these folks have some really serious problems of their own, mainly mental problems, though there's alcohol and drug abuse mixed into the problems. These people need help.

None of the neighbors who are opposed to this zoning exception do not (sic) want to help the homeless. Of course we do. We do already. We help them in any way that we can. We

want to see the homeless problem solved, not perpetuated. Solved.

We want to see this done, and this program will not do that. It does not provide homes for the homeless. Yes, it's nice that people see a home only in this area, but they are not given a home. They are not given professional mental care. They are not given what they really need.

It's nice that they get compassion, and we wish the Sister Jose program success at an appropriate location. This location is not appropriate, thank you very much. This location by the definition of the Zoning Code is not an appropriate location.

So these neighbors are calling on you according to purpose of the code to provide the protections that the zoning law provides us, to enforce those protections, to make sure that what we're promised is what we get from you. That's what we're asking from you, just enforce the code. Thank you very much.

ZONING EXAMINER: Okay. Thank you. Next. Right there. Yes.

MS. NEGLEY: My name is Constance Negley. I come from this from several different sides. I bought a property on Echols, 621, last year, where I plan to build a residence. It's currently a vacant lot. I also am a business owner on 4th Avenue, so on a daily basis, we deal with our homeless population

in this neighborhood. And I think my main concern is that their hours of operation are six days a week, 9:00 to 3:00, or 9:00 to 5:00.

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Where do these people go? I mean we know right now we have people all over our area. I mean it's a constant - I probably call the police twice a week at least. You know, I mean we have to be vigilant, and we want to help them, but I think the services and things aren't necessarily there.

We don't have bathroom facilities. I mean 4th Avenue, downtown, there's no public restrooms, and I would - I mean we're all citizens of this city. And I think it's up to us to ask our, you know, politicians to like, how do we deal with this? There's gotta be an answer.

You know, how do we help people? Because the problem is the homeless, you know, they're in our yards, they're in our alleys. You know, they're camping out. They're defecating, you know, and we are the ones that have to clean that up.

So I'm not only like living there, working there, I walk the neighborhood. I'm a full-time realtor. I have a lot of people who are buying in the area. And I just - I think it's just even bigger than this. It's about, you know, how do we, I guess, control the people, or, or help them? But how do we, you know, solve some of these problems that are bigger? They're really bigger. But there've gotta be solutions.

ZONING EXAMINER: Okay. Thank you.

MS. NEGLEY: Uh-huh.

ZONING EXAMINER: Next. Right there. Name and address.

MR. DILLER: I'll sign that when we're done.

ZONING EXAMINER: Sure.

MR. DILLER: Jim Diller. I live on 7th Avenue. I'm the managing member of a couple of corporations on 7th, one on University. One of the biggest things that I wanted to bring to your attention here is the deliberate fraud, misconduct and misrepresentation engaged in by the Development Services Department.

You recall the last time we spoke, Jim, was relating to the letter you sent out for the Michicayotl (sic) Academy, Mexicayotl for those that can't pronounce it. And the essence of that was that they were granted permission to violate the Americans With Disabilities Act.

As you know, we've been very strong advocating for the City to begin to comply with the Act. Last year was the 25th anniversary. For some reason, we're tone deaf to the concept that the law is supposed to apply to everyone equally. This is one of the most worthy programs that we can possibly hope for.

They are the first program of this kind to come to this neighborhood. Again, I'm speaking in opposition to it. I've

known Brian Flagg for a long time. This man should be canonized. He does more for these people for ten bucks than anyone on the City payroll.

The problem is, when we have a zoning system that deliberately fails to perform their job so that today I'm in receipt of a Certificate of Occupancy for the previous tenant at 700, the subject address which somehow could not be found when we granted permission for the five to ten other programs which are operating without Certificate of Occupancy.

COPE, which is a fairly recognized program, their C of O, it contains a remodeling permit. I have a letter from their counsel, their statutory agent who also, despite their being within the 300-foot zone, not 500, not the 1200 that's required by Code, 300 feet. They're inside the small circle that was drawn. They never notified until I contacted them two days ago.

Obviously, their intent would be to litigate against the City should you approve this. And for some reason, since 1999, they haven't been in compliance. We've got more properties that lack the proper zoning. Mr. Kozachik was kind enough at the last Council meeting, maybe Steve can speak to this, when he instructed Mike Rankin that Mike should speak to Staff and tell you guys to do your job.

That thing where you're supposed to notify people properly. Apparently, Mike Rankin, character demonstrating

individual that he is, who was never found in contempt for concealing facts. Shall I hold up the sarcasm sign now?

At any rate, what did Mike do with Steve's suggestion? Well, Mike decided that what they would do would be to notify these specific people on this specific project, and as you heard over and over and again, no one was notified. How you could fail to notify COPE when they're 500, 300, 1200 feet away is absurd. The problem is we have no organization whatsoever within code enforcement.

The property that's the subject property, 700, during our research, and again we advocate for the disadvantaged. We advocate for those who can't advocate for themselves, typically deal with the federal government.

But this is just an embarrassment. The man in the property now filed a sworn affidavit with the Assessor's Office stating that it would be used as a principal residence, as a residential property. He has a bed and breakfast.

Steve suggested that we needed to raise the bed tax on hotels, which a bed and breakfast is, 50% increase in tax because deadbeats, tax cheats like this man, are given what would be called, pursuant to Arizona statute, hindrance of prosecution by City Staff. They are hindering the prosecution by Pima County of this particular tax fraud situation, is right now before the County Prosecutor.

Their real estate agent refused to disclose, and as a result of this, no one else was able to seek these records. Our public record system is absurd. It is ridiculous what I have to go through to access these public records.

Max Torres, I don't know where he went, but the City Manager's Office was kind enough to dig through these because Staff does not respond to citizen input whatsoever when seeking the relevant records.

The architect that prepared the draft and did the affidavit for you assuring you that they were outside the 1200 feet, due to the City's negligence, committed fraud and misrepresentation in his presentation to you, all because of the City of Tucson's negligence.

These are the first people that have ever actually lawfully, properly, respectfully gone through the process. The rest of them are scum. Maybe we can throw them out (inaudible)

ZONING EXAMINER: Okay. Thank you. Where do we stand?
MR. DILLER: (Inaudible)

ZONING EXAMINER: Okay. Okay. Now here's where we're at. We just spent 32 minutes for those in opposition. What I said at the beginning is I will grant another 15 minutes for those who are in favor of granting the special exception.

So now we're gonna change back to those who are in favor of granting special exception. So do I have any speakers

for that? Okay. Am I right? Okay. The lady in the middle there in the back. You. With the glasses. You have glasses on. You. Yes. Okay. So sign in your name and address and -

MS. BELAWSKI: I'll sign in -

ZONING EXAMINER: Okay.

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MS. BELAWSKI: - after I'm done. My name is Jill Belawski. I reside on 130 East University Boulevard. I'm at the southwest corner of University Boulevard and Ferro Avenue. And so I would live a block away should Sister Jose's gain the building.

We would be directly affected, via the alley. Alleys tend to be te most vulnerable areas. Because I was fearful of what this meant. I have never been homeless. I don't know what it's like. I felt fearful and I was intimidated with the thought of having a women's shelter down the street.

Another neighbor and I decided that we would go spend some time at the shelter, at Sister Jose's. And, yes, we only spent a couple hours out of thousands of hours that they've been in existence. But during that short period of time, we saw that the women there treated each other with respect.

The volunteers there, some of the volunteers had only meant to come as an intern, and have continued because they believe so strongly, they are so strongly principled there. We have seen the women obey, or adhere to the rules and regulations.

It was, it was very impressive to spend some time there. And so therefore, we came away with the, the feeling that there was a great deal of respect. That they, that the women valued what they had at Sister Jose's.

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As far as the area concerned, we already have homeless. We have homeless who are unregulated. We have homeless who do use the alleys as bathrooms, I have cleaned up human feces. But I'll tell you, I've cleaned up more dog feces than I've cleaned up human feces.

I have seen the homeless who have camped out next to our wall. They have had dogs, they've had rakes. They've raked up. They've cleaned up after themselves. So we have witnessed that people who take ownership in where they live and where they feel safe value it. They value it. To have been there and see the woman taking showers and to be able to feel safe in their robes because they were women there. They were safe. They had the shelter.

So I am directly affected living on the alley. Of course I am nearly a block away, but I am still directly affected. And I do not have that fear of a women's shelter being next door to me. Thank you.

ZONING EXAMINER: Okay. This is for. This is in favor of the special exception. This gentleman -

MS. BELAWSKI: In favor.

ZONING EXAMINER: - here. Yes. Name and address, you've signed in?

MR. MILLER: I've already signed in.

ZONING EXAMINER: Okay. Great.

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MR. MILLER: My name is Theron Miller. I'm a builder and developer, have been over 50 years. And I own apartment houses on 5th Street and 7th Avenue exactly one block south of the proposed shelter.

And I would like to point out that my heart certainly goes out to these poor women. And it makes me feel good to see so many of you people want to support a shelter. I certainly do, too. Unfortunately, you're not gonna like what I say because that's, in my opinion, positively the wrong location. And I'll try to make it as quick as I can why I feel this way.

ZONING EXAMINER: So you're speaking in opposition.

MR. MILLER: Opposition.

ZONING EXAMINER: No, this is in favor at this point.

MR. MILLER: Pardon?

ZONING EXAMINER: This is in favor.

MR. MILLER: In favor?

ZONING EXAMINER: Yes.

FEMALE SPEAKER: Yes.

MR. MILLER: Oh.

ZONING EXAMINER: So, so we had 30 minutes of in favor,

30 minutes of opposition, now we're back to in favor for 15 minutes, okay?

MR. MILLER: So I, I can't -

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ZONING EXAMINER: So I'll tell you what. When we, when we switch to the 15 minutes, you'll be the first speaker, okay?

MR. MILLER: Thank you, sir.

ZONING EXAMINER: Okay.

MR. MILLER: I'm sorry. (Inaudible)

ZONING EXAMINER: So we all understand the rules here?
This is favor right now, okay? Okay. This lady right here.

MS. DeMARS: Thank you. I'll sign in (inaudible)

ZONING EXAMINER: Okay. Sure. Thank you for doing it.

MS. DeMARS: You're welcome. Thanks for hearing me.

My name is Lisette DeMars. I live at 102 East University

Boulevard. I'm a homeowner, and I'm a home occupant. I live

there, not just rent. Our home is within three houses of where

the shelter hopefully will be.

And I just wanted to say a couple of things. First, I hope that as this is taken under consideration that we stay focused on the facts, and not the fear, or hypothetical imaginary what if worst case scenarios.

The fact is that Sister Jose's is a very wellestablished, well-run and well-reputed Center. Based on those facts and not only as a homeowner, but also as an occupant of

that home, I support the Center. I welcome Sister Jose's to our street and to our neighborhood.

I'm very impressed and grateful for the work that Ms. Fedigan does. She's been very forthcoming and available to us. I want to say that I have received all the notifications about all of these meetings. I've had zero issues with that. They've been on my door, they've been in my mailbox.

I got the misinformation about one of the meetings that had the wrong address. We still made it to the meeting in time to speak and to hear the presentation, so that wasn't a barrier for us. And I wanted to read a quote. Sometimes when I don't have the words for something, I look to someone wiser than I am.

So - one of my heros is Mr. Rogers, knows a lot about neighborhoods, so this is from his words. But all of us at some time or another need help. Whether we're giving or receiving help, each one of us has something valuable to bring to this world. That's one of the things that connects us as neighbors. In our own way, each of us is a giver and a receiver.

I hope that you support the special exemption so that we can welcome Sister Jose's to our community. And I hope that our neighborhood is as kind and accepting and as solutions-oriented as those at Sister Jose's Center have been. Thank you very much.

ZONING EXAMINER: Okay. Thank you. Okay. And in

favor. The, the lady right there in black. Yeah.

MS. SCHAFER: My name is Suzanne Schafer. I live at 628 North 3rd Avenue. I own that property. I've lived on that block since 1988. So I live four blocks from the proposed shelter, and I pass by there on foot quite frequently because I access the bus stop at University and Stone, as well as other reasons, of course.

So I just wanted to say, as a neighbor, that I think that this is a very - it's a very appropriate location for the program. What I know - the little that I know about the actual property and about the program in my observations, it seems very appropriate because of the integration into a neighborhood that's such a, such a program really needs.

So it has very good transit access, access to parks and services and retail, and in fact, our legislative office is right there in the neighborhood. So obviously benefits for the program itself.

But I also see benefits for our neighborhood because I think that consistent occupancy by an organization that owns the property will be an improvement, and I think that they will clean up the property. They will see - they will keep it very good in appearance.

There's gonna be sidewalks put in, which is gonna be good for everybody. And I think also very importantly, it

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provides us in the neighborhood with an opportunity to have a place where we can make a contribution to a problem that's, you know, that's a problem for our community. And it's just unrealistic in my mind for those kinds of services to be segregated from community, from communities.

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And since I live in a mixed-use urban area, I prefer to do as much as I can right, you know, in my neighborhood without having to go far. And so this is just another opportunity for us to participate.

The other direct experience that I have is of a young life house that's a block from me and several other things that are closer than this. And my point, I guess, which I'm not making very well, is that there's an awful lot of uses that would be much more disruptive and more disturbing to me than something that's not gonna bring a lot of car traffic. It's gonna be relative quiet.

And the other experience that I'll point out is that the homeless connect services that take place at Trinity

Presbyterian Church are about a block from my home. And I have absolutely no - I mean unless I'm actually walking past the front entrance, I would have no idea that that program even took place in my neighborhood. And so that's just, you know, my experience with homeless services extremely close to me. So thank you for your time.

Thank you. Again in favor. Right

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I'm Barbara Holtzman. I live at 457 MS. HOLTZMAN: West 17th Street. I'm very, maybe four or five blocks from the present Sister Jose. And I must have walked by there for the last four or five years with my dog. And I never knew there was

a homeless shelter there. That's how little impact it made.

ZONING EXAMINER:

Right - yes.

And it wasn't until I became a volunteer that I realized that there was a shelter there because there are no people, those significant others, or other people hanging around. The property is kept well. There's - I've worked there. There

was maybe one disturbance and that was immediately taken care of by the person in charge.

So I really think that the people in the West University Neighborhood would be very surprised to see how well run this place is, and how little impact they're going to find if this is given a priority there. Thank you.

ZONING EXAMINER: Thank you. Right here.

MS. STACY: Yes. I'm Isabelle Stacy. I get my mail at 401 East 26th Street, have for years. And my significant others, as they put it, is my six-pound Chihuahua and my seven-pound Chihuahua Poodle. And otherwise, us women want to get away from Want a place where we could prove that we are strong and able to survive with the community and everybody else.

ZONING EXAMINER: Okay. Thank you. Anybody else in support? Right back there.

1.

MS. MAHIEU: Good evening. My name is Cydney Mahieu, and I'm a student intern at Sister Jose's Women's Center. I have been with the Center since January of this year, and I'm here to speak for Sister Jose's move to a new facility in the West University Neighborhood.

I am a resident of the West University area. I've lived in the neighborhood for the past four years, just two blocks away from the proposed facility. And my address is 836 North 6th Avenue.

I've come to talk about my own personal experiences living in that area. I've never felt threatened or perturbed by homeless community members in my neighborhood. As a young woman living in that area, the times that I've been most afraid have been because of encounters with intoxicated men leaving 4th Avenue bars at night. Mind you, these are generally men my age with a home to go to.

Homeless community members are already a visible population in the West University area. Our community sees them hanging out at Catalina and De Anza Park, and walking the streets and alleys. They're already part of the fabric of our environment.

Frankly, the addition of the community Center for

homeless women will not change the makeup of our neighborhood. So wouldn't it be best to have a haven for our homeless women to go to?

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Over the years, I have had the pleasure of meeting my neighbors who consist mostly of University of Arizona students, families, professionals, young and old, and of different backgrounds. I live in a diverse and welcoming community full of people concerned about the well-being of women in dire situations.

With this new facility, we'll finally have a chance to assist more women than we could before. We should take advantage of this opportunity to better those women's lives by providing food, shelter, guidance, support and basic resources.

Creating a safe and stable environment for our women to grow and succeed, moving into this new facility will do just that. And I look forward to seeing the success that it will bring our sisters in need. Thank you.

ZONING EXAMINER: Thank you. Anybody else in favor? Okay. Okay, name and address for the record, and stated.

MS. WILKINSON: My name is Debbie Wilkinson, and I'm a client of Sister Jose's. And my address is wherever I lay my head.

Sister Jose's is the closest thing I have to a home. I go there most days, not all but most. It's a safe place.

I've been listening to both sides, and I would like to say a few things.

When someone is diagnosed with a disease, they don't live with their doctors. Most of the women at Sister Jose, they get their medical or mental healthcare elsewhere - CODAC, COPE, whoever. We - we're not there for mental health specifically. We're there for companionship, for support, to encourage each other to take the next step, to go farther, to steer each other away from places where there's bad experiences.

And some - I've heard people complaining about men. I know a couple women there where they have significant others who will walk them to Sister Jose, and then they leave. They understand that the women need time. They need to shower, they need to do laundry, but they need time with each other.

Then they come back for them. That's not hanging around. That's protection. A lot of us don't have protection except each other. A few have, like I said, they're lucky they have someone else.

I've also listened to people complaining about possible traffic. Most women who are homeless do not have a vehicle.

You're not going to have additional traffic car use. We simply don't have access to a car.

And of those who I've met, I've been going there since August, and those I've met who had a car, most of them had to

sell them because they broke down. It doesn't last long. Most, almost everyone, we don't have cars. I don't. If I want to go someplace, I have to walk or take the bus. That doesn't change your traffic much.

I mean you're gonna have a little bit increase in walking. People walking to Sister Jose's, people leaving. What some people have said is true, though. When we leave Sister Jose's, we're usually going someplace else. We're not standing around loitering.

We have another destination in mind, whether it's to go to the doctor, to go to healthcare, to go look for a job. I'm trying to find a job. I'm trying to get training for a job that will pay more so I'm not in this position forever.

I need a place like Sister Jose's. And, yes, we do need a bigger place. And, yes, it needs to be a home place, something that gives you the illusion of a home, safety. That is what home represents to us. This is what Sister Jose's gives us.

I've heard people say we're a soup kitchen. Not really. Not unless you're going to say that every person who invites a friend or family member to their house makes them a soup kitchen. It doesn't. We have toast, we have cereal.

I heard somebody complaining about Operation Deep Freeze. Our night program isn't during the Operation Deep Freeze specifically. It's every night from - well, this year, it was

from November 9th through March 23rd, every single night, not just the coldest nights of the year. It gave us a safe place to lay down within a certain, you know, from 5:30 until 6:00 in the morning, and then we could go about our day.

Sister Jose's is needed, and it's needed in a neighborhood that will give us a measure of safety. Some people stay in a warehouse. There's - that's dangerous, especially for women. We need safety, and that's our most important.

I don't know what else I can say except at Sister Jose's, the volunteers, they know your name. They're always there with a smile and a hug. They make you feel human. So many places do not make you feel human. We need this, and we need it in a neighborhood like this. Thank you.

ZONING EXAMINER: Thank you. Okay. That is 15 minutes. So now we're switching, and the gentleman that I cut off, unfortunately. You can come back and make your statement. And now we're asking for people who want to speak in denial of granting the special exception. So go, go ahead and -

MR. MILLER: I'm hard of hearing (inaudible)

ZONING EXAMINER: Okay. That's fine. That's fine. No problem.

MR. MILLER: I must have misunderstood you. I apologize.

ZONING EXAMINER: Well, that's okay. We under- --

1 | we're, we're all cool now. Okay.

MR. MILLER: As I left off, I mentioned, I think, that I'm, profession, I'm a developer and a builder.

ZONING EXAMINER: Yeah, if you could reintroduce yourself.

MR. MILLER: And I own Galaxy Homes. So -

ZONING EXAMINER: Your name again, sir. For, for the record, your name again.

MR. MILLER: Name is Theron Miller.

ZONING EXAMINER: Okay.

MR. MILLER: And - yeah. So I just want to point out what I would consider facts. The fact is that my people who live on 7th Avenue, in order to park their car in front of their unit, they have to pay and get a permit to park there.

We're, we're strapped for parking, and if you would like to come to my property tomorrow, the next day, and Sunday, for the 4th Avenue Fair, you're gonna see cars parked all over my property, and illegally and my people's spot (inaudible) there. There's inadequate parking already, and this is only gonna make it worse.

There's no doubt in my mind the shelter's gonna generate a huge amount of undesirable people and traffic in our neighborhood. I would like to know from the police records how many 9-1-1 calls that they've gotten at their previous location.

I can - in my opinion, you're certainly gonna generate a lot of them if you build that shelter there.

As I said, I'm certainly in favor of helping these people whatever I can do, I'm willing to help. But that's absolutely the wrong location. And I, I - there's another question.

I understand that they're gonna be cutting down the police in the City here, the force. And right now, I had an incident a week ago at my place where one of my tenants called me and said that, that this lady, her husband was beating her up unmercifully and she's a terminal case. She's got less than a year to live.

When they called me, I immediately called 9-1-1. I drove 26 miles to get here to meet the officer. He wasn't here. They came before I left, and the husband had run away already. So I, I'm absolutely certain that you're gonna get a lot of generation here. And I don't think we have a police force, or anybody to protect these women. They need to be protected.

They, they all have problems, there's no question or they wouldn't be there. And I really want to help them, I want you to understand that. I want you people to understand I'm for you, I love you all. But that is absolutely the wrong place to put this thing. Thank you, sir.

ZONING EXAMINER: Okay. Thank you. Okay. Again,

right there.

MR. BLAIR: I signed in earlier. David Blair, 110, 120 East 4th Street, directly across the street from the proposed location. I'll admit the support this evening is convincing, but it's been 90% emotional.

In this case, the facts matter. And I would encourage you, the Zoning Examiner, to reassess the application, look deeper at the facts, make sure that the application is 100% accurate. And that the facts are what they've been stated to be.

I have two things I'll point out. The majority of what I was gonna say this evening's been covered, so I won't re-cover it. Let's start - the existing location to the proposed location is apples to oranges. Sister Jose currently admits they serve approximately 15 women per day in their current location. They anticipate serving women, about 65 women in the proposed location.

The biggest thing here is that, yeah, it is possible. Probably they are fantastic on-site. I don't know. I haven't been there, I won't dispute it. But serving, or controlling, or having influence on 15 women after they leave the facility, it's possible. Going from 15 women to 65 women a day, trying to control that, the 18 hours a day, or the 16 hours a day they're not open it's just, it's not possible.

I have two kids. I have a tough time controlling them.

Try controlling 65 women's behavior 18 hours a day when they're not on the facility. It's gonna impact the neighborhood. Unfortunately, most likely negatively.

The second thing I'd like to bring up this evening is in the document directed to you, Mr. Mazgado (sic) -

ZONING EXAMINER: Mazzocco.

MR. BLAIR: Mazzocco. I'm sorry. On March 16th, it's from Nicole Ewing-Gavin, under Procedural, No. 2. It says, "The property owner shall execute a waiver of potential claims for the zoning amendment as, amendment as permitted by A.R.S.," blah, blah, "from in the form approved by the City Attorney entitled Agreement to waive any claims against the City for special exception land use."

What this is basically saying, we know property values are going down. They're gonna go down if this is permitted. So what this is basically saying is that the City knows this, and they're going as far as requiring Sister Jose to sign an indemnity contract or agreement basically saying, "Hey, if this is permitted, and then the neighbors sue us, we're not gonna be liable because we know there's a good chance property values are going down. You're gonna be liable Sister Jose, the City's not gonna be liable."

You know, in my, my opinion, clearly the City knows this is a risky, I won't call it bad, but it's a risky proposal.

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This being a risky proposal, let's please do the right thing. Please deny this exception.

ZONING EXAMINER: Okay. Thank you. Okay. The lady with glasses right there. Yes.

MS. CASTALIA: I've already signed in.

ZONING EXAMINER: Okay.

MS. CASTALIA: My name is Patricia Castalia. My husband and I have lived at 712 North 7th Avenue next door to the property in question since 1982. We raised our family there, and our older son now lives a few blocks away.

We have a strong stake in maintaining the safety and quality of our neighborhood, which is designated in the West University Neighborhood Plan as low density residential land use.

The proposed use as a soup kitchen and emergency homeless shelter, as we understand it, although now we're hearing that it serves all winter long as a homeless shelter, is incompatible with the residential character of the surrounding neighborhood, and therefore, not compatible with the plan. And this is one of the criteria that is required for the Zoning Examiner to find for this exception.

We attended a neighborhood information meeting in January in spite of the fact that the notice gave an incorrect address for the meeting place. The Sister Jose group and their advisors were unable to provide adequate answers to specific

questions about how a threefold expansion of their facility would be operated and managed, or how they intended to address the impact it will inevitably have on surrounding property.

After the meeting, I spoke with one of the Sister Jose volunteers who described comments by a City Staffs person to the effect that their application would likely be approved because our area already was so compromised that one more inappropriate use would not make a difference.

That's unwelcome news to the people who live and work in the area. This is our neighborhood in a designated historic district, not a blighted location, and what the Sister Jose website has labeled Tucson's Homeless Corridor.

An explicit requirement for granting special exceptions is a finding that the proposed use does not adversely affect adjacent land uses and the surrounding neighborhood. The population of transient homeless people in our part of the neighborhood is already significant. These people need real help, places to live and mental healthcare, if they need that.

Placing a soup kitchen and emergency homeless shelter in our midst as a place for 65 or more transients to congregate for a few hours during the day, and then be turned out into the neighborhood overnight does not address these basic needs, and will compound the problems we face many times over.

Since the group operating the facility cannot be

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responsible for what happens after-hours and off the premises, there's no effective way to mitigate these off-site impacts. Therefore, the zoning exception should not be granted. Thank you.

ZONING EXAMINER: Okay. Thank you. Okay. Go ahead.

MR. JOHNSON: Hello. My name is Joe Johnson. I own a
business at 600 North Stone. I commend and applaud what Sister

Jose has done, I'm not denying that whatsoever. But what I do
have a concern with is that myself and four other business owners

next door to me and across the street knew nothing of this.

I operate a business from 7:30 to 5:30 Monday through Friday. I have clients that walk the neighborhood, elderly, young, old, that walk to work downtown. Where are these, where are the 65 people gonna go before 9:00 and after 3:00 or after 5:00?

Where are the women that break the rules going to go during those hours, and what happens to them? They're gonna come to my place, come to want to use the restroom, to get water, I understand, but what are we to do? These aren't answers that have been given. We knew nothing of it. I've talked to numerous businesses around us and I'm concerned.

They say that it only happens at such and such time. Well, they have employees, there is no parking, there is no area. I walk - had to get a customer's car today. There were homeless

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I, I just feel that it's not a good mix with the information that we have at this time. I'm not saying to deny. I feel we should at least continue until the facts are given to all the businesses that are going to be affected, and all the

things they weren't supposed to do. And this was at 9:30 in the

gentlemen in the alley in handcuffs because they were doing

And my clients walk this area.

Thank you.

ZONING EXAMINER: Okay. Thank you. Okay. Okav.

MS. CHAVARRIA: Okay. My name is Sara Chavarria. I'm at 729 North 6th Avenue. I'll be sharing an alley with the property in question. So I'm a little nervous. Sorry. used to this.

I'm opposed to the location of this outreach activity for professional reasons. My expertise is an outreach programming on design. Sister Jose's outreach activity is not a good match for the location selected, which is a residential neighborhood.

In my experience, which is extensive, effective outreach programming is grounded on two important premises, and both need to be present. The first is to improve the lives of individuals substantially and permanently. Therefore, outreach activities should promote advancement out of the depressing situation a population is in.

The second is to provide professional, educational, health and training services that are robust, and continuous to be effective for clients to be able to leave the situation they are in. For a population such as the homeless, there is an additional factor or premise that needs to be included.

This is to provide long-term, 24/7 safe environment like transitional housing. Housing programs offer real security. This helps to eliminate the worry of where to sleep at night to avoid street violence, thus allowing them to participate fully in learning what to do to break out of the homeless situation they have found themselves in.

What Sister Jose does, does not comply with this. I have to ask the question, "Does Sister Jose offer a means for their clients to truly improve their situation through their services?" No, they do not. In fact, they maintain their current situation.

I have to ask, "Does Sister Jose provide robust, or any expert, professional, and educational services?" No, they do not. I also have to ask, "Does Sister Jose offer long-term, 24/7 housing security to their clients?" No, they do not. And I should note that I can confidently say this, because this is information that I got from Ms. Fedigan when I called March 18th to their office and asked for information, because I was unsure which way to go.

I was being told by one person that they were gonna provide the very three things I described are needed for effective change. Yet, then I was hearing that wasn't the case. They were going to be inviting people in in the morning, releasing them at 3 or 5 o'clock for the majority of the, of the year.

So I called and I asked, and I was told that was exactly what was gonna happen. They were going to be released. I expressed concerns. Some were alleviated in the sense that they said that they wouldn't have any men coming on-site because I wasn't sure about that. But a lot of them were not.

And I have to say that it was Ms. Fedigan herself, when I asked her if there were going to be professional service onsite who told me that they couldn't afford to fund any. So they weren't going to be providing that. That was who you were speaking to.

So for these reasons, along with the zoning disqualifiers brought up by my neighbors, this activity does not belong in this quiet residential neighborhood. This outreach activity is not a residential program. Thank you.

ZONING EXAMINER: Okay. Do we have anybody else? Okay.

MR. SHEAR: Hi. My name is Ron Shear, and I own the property at 711 North 6th Avenue, which is almost directly behind

the proposed facility.

I have private car- -- privately-owned automobiles on private property parked within 20 feet of the proposed facility. I don't think there's any way to mitigate anything that might happen because of some of their clients coming down the alley drunk, driving their car, or breaking into cars that are parked in the carport that is 20 feet away.

And, you know, I, I deserve a 500-foot buffer to that kind of activity. So I'm totally opposed to it. And I totally agree with all my neighbors on all the zoning things, and it seems like if the City of Tucson is requiring a waiver of liability, they're concerned about it, too. Thank you very much.

ZONING EXAMINER: Okay. Thank you. Okay. We could have one more speaker, and that'll be it for the opponents.

MR. SENSIBAR: I already signed in. My name is Noah Sensibar. I live at 632 North 7th Avenue, which is approximately a hundred feet from the proposed property.

Mr. Mazzocco, I was not planning on speaking tonight, as I felt my neighbors would have all the main points covered, and I did not want to be redundant or waste anyone's time.

Then yesterday at the Planning & Development Services

Department Advisory Committee meeting held at 1:00 P.M. on the

3rd Floor Conference Room of 201 North Stone Avenue, I learned

from William Ford (ph.), a local architect, they have been

working with the current owner to get a development plan approved to convert 700 North 7th Avenue into a 12-bedroom bed and breakfast.

These plans were killed at the Zoning counter of Planning & Development Services because according to Chris Keel, the building official for the project, quote, "Significantly increasing the occupational load of transient customers who would be unfamiliar with their surroundings seems to increase the egress hazard when compared to the previous use." The application was for a occupant load of 30 people.

Your building official determined that it would be unsafe to have 30 people in that building, and now we're talking about having 65, plus staff. And that's going to be safe? I'm not sure how the City can have it both ways.

This use would have been compatible with the surrounding neighborhood, been compatible with the neighborhood plan and not adversely impacted the surrounding neighbors. And yet the City of Tucson could not figure out a way to help this Applicant get his project through. Thank you.

ZONING EXAMINER: Thank you. I think we're done.

I think we did our 15 minutes on both sides, okay? We have - the Applicant wants to come back?

MR. JUNEMANN: Mr. Mazzocco, Rory Junemann, 4731 East Camp Lowell. We've been here a long time, I'll keep it brief.

There's just a few things that I wanted to, to get on, on the record this evening.

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The first is that Jean, the Applicant, has fulfilled all of the notice requirements. She's had the neighborhood meeting. So pursuant to the UDC notice requirements, she has met those.

I did want to address - we've heard soup kitchen a few times. I'm sure you're aware of the definitions within UDC. Soup kitchen is a food service use, and that requires the preparation of food, and then also the distribution of food. For soup kitchen, it would be free food. This site does not have any preparation of food. They get all of their meals from the Food Bank, so it just simply does not meet the definition of, of soup kitchen.

There was some mention about counseling not being onsite, or that Sister Jose's wouldn't provide counseling. And,
and that's true, they don't have the, the capacity, the budget to
do that. But there are case managers and social workers from a
variety of organizations that come and meet with the, the guests
of Sister Jose's.

The good thing about this location is it actually provides some meeting space. At the current location, they, they have to sort of meet wherever they can. But in this location, there'll actually be some meeting space for, for these types of

meetings, and actually for some life skills training that they've always wanted to do, they just didn't have the capacity to do it now. So that - just wanted to clarify that.

There was a mention earlier about a medical use on the property. Last week there was a situation where a guest is in need of hospice care. And hospice nurses actually came and interviewed the, the woman about, about this care. So that, that was that scenario. There's no intention for any kind of medical use on the, on the property other than the incidents that, that may have happened last week.

We've heard some mention about the 207 waiver that's required for every single rezoning or, or zoning action in the city. I, I just wanted to get that on the record that we've signed that standard notice like every other single rezoning applicant does in the city. It's a standard canned waiver, and it applies to the, the Arizona Property Rights Protection Act from the late 2000's, so that has - that's just a standard canned waiver.

The last thing I'd like to do is to clarify some of the numbers that have been put out. Currently, Sister Jose sees about 15 to 20 guests at a time, and those guests do come and go. And so throughout the day, they see about 50 guests total. The 65 number that's been thrown out is not at a time. That is a 65 guests total per day number for the day program.

Sister Jose will abide by whatever occupancy limit they have. They, they anticipate that they will have about 25 to 30 guests, probably 30 guests at a time maximum. So it's not gonna be 65 guests at a time, it will be less than that.

And I don't believe that 30 number is, is in the conditions, but Sister Jose is more than happy to add that as a condition. Whatever the occu- -- occupancy load limit is, they're, they're more than happy to do that. Maybe that it's 30, but 30 is really what they're anticipating the maximum to be at a time.

One other thing that isn't in the conditions, but they're happy to do is to limit it to women only in the conditions. This is their only mission. This is all they do. This is all they'll ever see. It just is not one of the conditions in the special exception. So there's no problem with them, they have no problem adding that as one of the, the conditions of the special exception.

And Sister Jose is one of the only women shelters in town. So by limiting it to women only, I think that does give the neighborhood some protection in the future about what other uses may come in.

Sister Jose anticipates operating for years and years to come. But that may give a little bit level of comfort to the neighbors. So are there any other questions?

ZONING EXAMINER: I don't have any questions right now.

MR. JUNEMANN: Thank you.

ZONING EXAMINER: Okay.

MR. SENSIBAR: (Inaudible)

ZONING EXAMINER: You know, I'm, I'm going to let you do that. And, and I would let one person come up and, and speak. And obviously you want to do it, so it's fine with me.

MR. SENSIBAR: Noah Sensibar, 632 North 7th Avenue. I'd like to start by looking at UDC 11-3, 4 and .2 wherein the definition of a soup kitchen is, 'cause we just heard about that from their attorney.

That section of the UDC, and I quote specifically, direct, cut, paste from the UDC. This is in quotes. "A food service use that provides free meals for consumption on or offsite." End. Nothing else. That's the definition. I ask you, was there truth in what their attorney spoke to you?

SPEAKER: (Inaudible)

MR. SENSIBAR: Yes, there was a very small portion. Thank you. What we have going in on this block is a soup kitchen by UDC definition. I know Jean Flannigan (sic) has been calling it a women's center, but that is not the term recognized by the City of Tucson's Unified Development Code. There are two terms here. Shelter and soup kitchen.

Shelter, as defined by UDC 11-3,7-D, "A residential

care service providing lodging on a temporary basis, meals and counseling to homeless persons, pregnant teenagers, victims of domestic violence, and children who need full-time supervision, including those who are neglected runaways or status offenders."

Again, a direct quote, not my words.

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The key in this definition of shelter is lodging. A term not defined in UDC. So I turn to the new Oxford Dictionary. Again, quote, "A noun. A place in which someone lives temporarily." So lodging means live. No one will be living at 700 North 7th Avenue except during Operation Deep Freeze.

Tonight, we, the community learned that it wasn't just during Operation Deep Freeze, but on every cold night all winter. That was new information to us. So in truth, Sister Jose's Women's Center is not a shelter. That begs the question, what exactly is it? And the answer is found in UDC 11-3,4 and 2, the definition of soup kitchen.

Jean Flannigan (sic) knew a soup kitchen - sorry. Fedigan. Knew a soup kitchen is not permitted use in HC-1 zoning, so the activity was carefully de-emphasized in her application.

In the proposed use portion of her application, she wrote, "Guests take showers, have a bite to eat, wash clothing and rest. The day program offers guests the opportunity to enjoy community with other guests and volunteers in a safe

environment."

If you go to Sister Jose's Women's Center website, you will see that feeding people is a major component of their activity. On the "about" page, it is the second sentence, quote, "The women receive food." On the "programs and services" page, it is the third sentence, quote, "They receive a brown bag lunch." On the bullet points of that same page, it is the second and eighth bullet.

So if anyone in the City of Tucson Planning & Development Services took the time to look at this application, they would have stopped it at the Zoning counter. A soup kitchen is not allowed in HC-1.

But Planning & Development Services did not stop to look, at looking the other way. In fact, the fact that this is a soup kitchen, they edited City of Tucson UDC in a report to you, Jim Mazzocco, to make the shelter use in this location permissible.

On page four of the memorandum from Nicole Ewing-Gabes (ph.), who is about the case, she cites UDC 4.9.7-J.1 as saying, quote, this is from the report that you have, the memorandum. "Fashelter care use shall not be less than 1200 feet in any direction from another shelter care use."

In reality, if you go to the code, it reads, pulled directly from the UDC, "A rehabilitation service shelter care

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shall not be less 1200 feet in any direction from another rehabilitation service or shelter care use." COPE, a rehabilitation service, is within the 1200-foot zone. Again, this project should have been stopped at the Zoning counter.

But the duplicity goes on. In Jean Fedigan's letter to the neighborhood about the required meeting on this special exception, Zoning Code, to the Zoning Code, she directed people to go to 400 West University, when the meeting was actually being held at 400 East University.

Her architect, in a letter dated January 26th, 2016, to you, certifies that UDC 9.7.1.J-1, has been met and that no other shelter rehabilitation services are in the 1200 feet. As we know, COPE is in that 1200-feet area.

With this as a backdrop, Jean Fedigan sent a letter to the neighborhood explaining how she would mitigate the impacts of attracting 60 homeless women a day to her soup kitchen. This number does not include the men who may accompany the women, but are not welcome to enter this single-gender soup kitchen. She will - one, she will prohibit loitering -

ZONING EXAMINER: Start wrapping up.

MR. SENSIBAR: I'll try. She will prohibit loi- -- I didn't realize their lawyer had a time frame. She will prohibit loitering prior to the opening and after closing. That's a quote. If the Center is not open, how will she enforce this

prohibition?

When her clients go - sorry. Where will her clients go when the Center is not open? Why would 60 people attracted to the area leave the neighborhood when the Center is closed, just to have to return the next day? Is Fedigan suggesting the homeless clients would go home for the night?

I've driven by her present location and have some pictures that I took of her non-loitering clients. These were taken this week in front of her present location. This was before. This was before. This was after. None of those people are loitering.

Two. Prohibit anyone accompanying clients from loitering outside the Center. So in other words, the male companions of her female clients will be loitering on her neighbors' properties and in her neighborhood parks.

She will control the routes her clients take to reach the Center, and how they leave. How will this be achieved? Will she have walkers at the edge of the neighborhood escorting people in along the designated routes?

She will have zero tolerance for drugs and alcohol and violence. If a client shows up drunk and belligerent, she will not let them in, leaving her neighbors to deal with the potentially dangerous person that she has attracted to the area.

When the Center is closed, it will be locked and

clients will not be allowed to remain on-site. Again, this will only serve to push people she has attracted to our neighborhood into our streets, parks, porches, alleys when the Center is closed, which will be a majority of the time.

Jim Mazzocco, if you cannot see your way to denying this special exception, please at least direct the Applicant to start the process over and be truthful about how the site will be used. Thank you.

ZONING EXAMINER: Okay. That's fine. Mr. Junemann, can you come back up, please? So, I've heard a lot of testimony today, I've learned a lot. And I respect all the people who came out tonight, and I respect their willingness to share their support and their concerns on this particular case.

I'm thinking we need a little bit more time on this.

I've heard a lot, and I'm gonna actually turn to Staff, too, and

I'm gonna ask them to come back to me. I, I know there's some of
these things you've reported on, but I think I would like it
separately listing some of the issues that have been raised today
that are related to zoning issues.

I would like to have it confirmed that people were noticed within 300 feet, and if they weren't, then I think we need to re-notice this case. I would like you to look up and have the - first, let me explain on these issues on the Zoning Code where they're challenging the, whether this is a legitimate

application, and they're quoting the Zoning Code.

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I'm not the final interpreter of the Zoning Code. The final interpreter of the Zoning Code, at least at the beginning administratively, is a person called the Zoning Administrator. My title is Zoning Examiner, I'm a Hearing Officer. I'm not an interpreter.

And, and it's been mentioned several times that this is a soup kitchen. I know Mr. Junemann has a position on that, and I know Mr. Sensibar and the people supporting his position have a position on that. I would like to know what the Zoning Administrator's position on that is.

And for the record so you all know, I'll look at that. I'll, I'll consider what's being stated, but ultimately a challenge to those terms goings to the Board of Adjustment, not to the Zoning Examiner. But I would like to know what the official ruling is, of the Zoning Administrator is on that term.

I think there's been issues brought up about the devaluation of real estate and crime and male partners being, you know, hanging around these places in a threatening way. I would, I would look to you, Mr. Junemann, and your clients to kind of start to talk about this a little bit and be a little bit more forthcoming in what are some of the crime statistics? Has Sister Jose Center, current Center been a center where there has been current criminal activity?

MR. JUNEMANN: And, Mr. Mazzocco, we've -

ZONING EXAMINER: Uh-huh.

MR. JUNEMANN: - we've done that, and we can -

ZONING EXAMINER: Okay.

MR. JUNEMANN: - provide that.

ZONING EXAMINER: Okay. And that's what I'd like to know. Back to the zoning issue. There's this 1200-foot thing. I know we have one letter. I think that can be re-introduced again. And also there was an issue about whether this is - conforms to the West University Neighborhood Plan. I'd like you to take another look at that.

So, so there, there were several issues brought up during the public hearing. I think you were taking notes. I would like you to revisit those to be more specific. Your next report back, your update, would be more specific in addressing these issues that are being challenged as to the legitimacy of the actual application.

MR. JUNEMANN: Okay.

ZONING EXAMINER: I'm wondering if I could get some help from, an officer from the West University Neighborhood Association. And I see one back there. And first I'm gonna ask the President, would you be willing to come forward, Chris?

FEMALE SPEAKER: (Inaudible)

ZONING EXAMINER: I'm gonna get to that. Okay. And

I'm gonna get to your hand, Ms. Sensibar. Chris, would you mind coming up? I hope I'm not loading everybody down too heavily here, but we'll see. Chris, you're still the President of the West University Neighborhood Association?

MR. LEIGHTON: Yes.

ZONING EXAMINER: I would like some help in putting together another meeting with the Applicant, and especially the people in what I think was described as Area Six of the West University Neighborhood Association.

MR. LEIGHTON: Yes.

ZONING EXAMINER: And I think that takes in the first speaker, the attorney, that those folks are part of some kind of meeting. However you want to figure it out, I'm - you guys are two smart guys. If you could help me figure out how to make them more informed of what the program is here, and look at the specifics of the rezoning conditions that are being proposed, the code of conduct that is part of the Center.

How does all this fit into the contention that this is a compatible land use in that situation. And maybe the answer is it's not. You know, maybe that's the conclusion that's going to come out of this.

But I'd like to know if we visit this one more time with the people in that neighborhood, is there any room to move here at all, or there's no room to move. That they have - that,

that their position is this is not only an incompatible land use, it's an incompatible - or it's a illegitimate application. So I'd like those two issues as best you can to revisit this and, and come back and report on this.

If you need help in getting a room, or if you want a facilitator, I've talked to Planning & Development Services.

They would be more than willing to help in putting together a room and a facilitator to, to talk this through.

I would like to continue this to April 21st. I'm hoping that gives you a little bit of time to, you know, sit down, think it through, talk to your client. Talk to the people in the neighborhood.

I'll also send them out a notice of a meeting. And again, I think Planning & Development Services will help in that. I think this is that kind of issue. You know, the developer and neighbor kind of thing, I think sometimes we can work it out between the two of them. But this is a bigger issue.

And I would like the people who have weighed in to feel that they were listened to. And I'm, I'm actually not convinced myself. I'm, I'm still torn here. I'm, I'm waiting to find out, "Well, can I support this or can't I support this?" I'm neither on this side or that side at this point.

But I would appreciate your work on doing this. I think everybody in the room agrees that this is a wonderful

program that they have. But we're actually not talking about that program, we're talking about does that land use fit into this particular setting? And that's the question I'm trying to wrestle with. So with that, are there any questions that you have of me?

 $$\operatorname{MR}.$$ LEIGHTON: No, I'd be glad to work with Mr. Junemann, at -

ZONING EXAMINER: Okay.

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MR. LEIGHTON: - the meeting.

ZONING EXAMINER: Okay. And, you know, I don't want to make a big habit of this, but you two folks have questions? Do you have questions? 'Cause I'll take a question.

FEMALE SPEAKER: (Inaudible)

ZONING EXAMINER: Okay. You said an unbiased facilitator. I will - okay. And I'm gonna direct that to the Planning & Development Services Staff that if we have a facilitator that it be an unbiased facilitator, okay?

Do you have another - a question. Question.

MALE SPEAKER: (Inaudible)

ZONING EXAMINER: Okay. Okay. I got your question. Will, will the report on the 1200 feet that they are, in fact, 1200 feet from any other land use that's exactly like this land use. Okay. That's something that - a questionable answer. And I'll take, take one more question.

MALE SPEAKER: (Inaudible)

ZONING EXAMINER: Will - I, I didn't hear the question.

MALE SPEAKER: (Inaudible)

ZONING EXAMINER: Will you be able to submit more written documentation to me? Yes. Yes, you can do that. Okay. With that, April 21st, I will have a continuation.

MALE SPEAKER: The public hearing is still open.

April 21st -

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ZONING EXAMINER: Public hearing is still open. I will still take -

MALE SPEAKER: (Inaudible) 21st.

ZONING EXAMINER: - public input. Okay.

MALE SPEAKER: And then the facilitator will be from -

ZONING EXAMINER: Planning & Development Services.

Work with them on a unbiased facilitator. Okay. Thank you all for coming tonight. And have a safe trip home.

(Case: SE-16-21 was continued to April 21, 2016.)

City of Tucson Zoning Examiner Public Hearing 03/31/16

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the original tape recorded conversation in the case referenced on page 1 above.

Transcription Completed: 04/12/16

KATHLEEN R. KRASSOW - Owner

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